

Also, petition of citizens of Montrose, Colo., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of the Methodist Church of Fort Lupton, Colo., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of Local Union, No. 53, Carpenters and Joiners, Denver, Colo., advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

By Mr. BULL: Petition of Providence (R. I.) Woman's Christian Temperance Union, for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. BUTLER: Petition of citizens of Chester County, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. CAPRON: Petition of Providence (R. I.) Woman's Christian Temperance Union, for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. GILLETT of Massachusetts: Petition of Boston Baptist Ministers' Conference, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 10 citizens of Montague, Mass., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. COCHRANE of New York: Petition of Woman's Foreign Missionary Society of Northern New York, relative to alcoholic trade in the islands of the Pacific and to prevent the sale of opium, intoxicants, etc., to undeveloped and childlike races—to the Committee on Alcoholic Liquor Traffic.

By Mr. GREEN of Pennsylvania: Resolutions of Cigar Makers' Union No. 236, of Reading, Pa., advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

By Mr. GROUT: Petition of the Vermont Woman's Christian Temperance Union, Mrs. Elizabeth B. Lund, president, urging the passage of the Gillett bill protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. FITZGERALD of Massachusetts: Resolutions of the Trades League of Philadelphia, for the continuance of the pneumatic-tube system in Philadelphia, and other large cities—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Hamlin Wizard Oil Company, relating to revenue-reduction bill—to the Committee on Ways and Means.

Also, petition of Taggers National Association, of Chicago, Ill., for increase of pay—to the Committee on Agriculture.

Also, petition of United Brotherhood of Carpenters and Joiners, No. 141, Chicago, Ill., for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of Woodlawn Park Presbyterian Church, Chicago, Ill., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. McCALL: Petition of voters of Eighth Congressional district of Massachusetts, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany House bill No. 2135, to correct the military record of John Redden—to the Committee on Military Affairs.

By Mr. MORRIS: Petition of J. B. Ferguson and others of Duluth, Minn., urging the banishment of the liquor traffic in Africa—to the Committee on Foreign Affairs.

By Mr. PAYNE: Petition of Woman's Christian Temperance Union of East Auburn, N. Y., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of East Auburn, N. Y., for an appropriation for the improvement of the soldier's ration—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill for the relief of Jason Howard, of Lauderdale County, Ala.—to the Committee on War Claims.

By Mr. RUSSELL: Petition of citizens of Connecticut favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. SPERRY: Petitions of citizens of South Manchester, West Haven, Thompsonville, and Woman's Christian Temperance Union and churches of Winsted, Conn., favoring the passage of the Gillett bill for the protection of the native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of the Trades League of Philadel-

phia, urging the postal tubular system in Philadelphia and other large cities—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of South Carolina: Paper relating to the claim of David H. Cork, of Woodward, S. C.—to the Committee on War Claims.

By Mr. YOUNG: Letter of Governor William A. Stone, of Pennsylvania, favoring the amendment in the river and harbor bill making an appropriation for the erection of a lock and dam at Natrona, on the Allegheny River—to the Committee on Rivers and Harbors.

Also, petitions of voters of the Fourth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petitions of E. B. Hendricks and other citizens of Philadelphia, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

SENATE.

FRIDAY, February 22, 1901.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

We bless Thee, Almighty God, for the line of earnest, faithful, and noble men, pioneers, soldiers, statesmen, that have given their lives to the upbuilding of the institutions of this young nation, by their endeavors lifting it to its present lofty and proud position among the powers of the world. Especially we render thanks to Thee for the character and life of the man whose birthday is to-day celebrated throughout the land. We thank Thee for the simplicity, nobleness, and grandeur of his character and his career, and that they are studied more reverently by the young people and the old of this broad land, and that the contagion of his example and influence is affecting myriads of our people more and more.

Grant, we pray Thee, that the influence of Washington may enter into the life and character of our people, and that we may be inspired by the nobility of his influence and his example. Grant this, O Heavenly Father, through Jesus Christ, our Lord, Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. In execution of the order of the Senate, the senior Senator from Georgia [Mr. BACON] will now read Washington's Farewell Address.

Mr. BACON (at the Vice-President's desk) read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the

sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always

exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated

among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled,

controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government

gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that for-

eign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned

by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, September 19, 1796.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 5014) to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River; and

A bill (S. 5350) for the establishment of a subport of entry at Douglas, Ariz.

The message also announced that the House had passed a bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented petitions of sundry citizens of Haddonfield and Beverly, in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. McMILLAN presented sundry petitions of citizens of Lenawee County, St. Johns, and Concord, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PERKINS. I present a telegraphic communication from the legislature of California relative to the purchase and condemnation of the Calaveras Sequoia Grove, in that State. I ask that the joint resolution be read, lie on the table, and that it be printed in the RECORD.

There being no objection, the joint resolution was read, ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

SACRAMENTO, CAL., February 21, 1901.

Hon. GEORGE C. PERKINS,

United States Senator from California, Washington:

The following senate joint resolution was to-day passed by the assembly,

and on February 20, 1901, by the senate of the California legislature, and is a true and correct copy of the enrolled resolution:

"[Senate joint resolution No. 15, introduced by Senator Welch February 19, 1901.]

"Senate joint resolution No. 15, relative to the purchase of the Calaveras Sequoia Grove.

"Whereas a bill is now pending in the House of Representatives for the purchase by the Federal Government of the Calaveras Sequoia Grove: Therefore be it

"Resolved by the senate and the assembly of the State of California, jointly, That our Senators be instructed and our Representatives in Congress requested to use all proper means to secure the passage of Senate bill in Congress providing for the purchase or condemnation of Calaveras Sequoia Grove; and be it

"Further resolved, That the legislature of the State of California do hereby pledge ourselves to provide for the expense of the maintenance and management of the same.

"Resolved, That a copy of this preamble and these resolutions be immediately telegraphed by the secretary of the senate to our representatives in Congress."

F. J. BRANDON,
Secretary of Senate.

Mr. MCOMAS presented a petition of the mayor and city council of Baltimore, Md., praying that an appropriation be made to provide for the deepening of the channel of Baltimore and for dredging the Spring Gardens; which was referred to the Committee on Commerce.

He also presented a petition of the mayor and city council of Baltimore, Md., praying for the enactment of legislation donating to the city of Baltimore the columns in the old custom-house in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. KYLE presented the petition of Oscar Gusarson and 32 other citizens of Brandon, S. Dak., and the petition of Nels Bergren and 30 other citizens of Stockholm, S. Dak., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. HARRIS presented the following concurrent resolution of the legislature of Kansas; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD:

Senate concurrent resolution No. 16.

Whereas the exclusive power to regulate commerce with foreign nations and among the several States is vested by the Constitution of the United States in Congress, and the power of the individual State thereby limited to the regulation of commerce within its own limits and to such subjects only as are not a part of interstate commerce; and

Whereas flagrant and dangerous discriminations are being made by transportation companies engaged in the interstate carrying trade, which greatly injure the interests and rights of the people of the State of Kansas, and which discriminations and wrongs the legislature of the State of Kansas has no sufficient power to prevent, the full and exclusive power therefor being vested in Congress: Therefore, be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein), That our United States Senators and our Members in Congress are hereby directed and earnestly urged to make diligent and vigorous efforts to secure as speedily as possible such Congressional legislation as will so enlarge the duties and powers of the Interstate Commerce Commission of the United States as to give such commission full authority to prevent all unfair and unjust discrimination in the interstate carrying trade, to the end that uniform, just, and equitable shipping and transportation classifications and rates may be established and maintained throughout the United States, so that no portion of our country shall be made to suffer as the victim of unjust and unfair discrimination in the carrying trade of commerce.

Resolved further, That Senate bill No. 1439, commonly known as the Culom bill, and which has been pending a long time in Congress and has the endorsement of a large number of the trade organizations of the country, contains the essential elements of a law which would give the needed virtue, life, and power to our Interstate Commerce Commission and protect and promote the interests of our interstate commerce, and is therefore entitled to the careful and favorable consideration of our representatives in Congress.

Be it further resolved, That the secretary of the senate is hereby instructed to forward a copy of these resolutions, properly attested, to each of our Senators and Members of Congress and to the Secretary of the Senate and Clerk of the House of Representatives at Washington, D. C.

Passed the senate February 14, 1901.

H. E. RICHTER,
Lieutenant-Governor and President of the Senate.
C. M. SHELDON,
Secretary of the Senate.

Passed the house February 15, 1901.

GEO. J. BARKER,
Speaker House of Representatives.
CHAS. E. LOBDELL,
Chief Clerk House of Representatives.

Mr. DEPEW presented the following resolutions of the legislature of New York; which were ordered to lie on the table and be printed in the RECORD:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 23, 1901.

Whereas there is now pending in the United States Senate a bill relative to oleomargarine providing that when such commodity is transported from any State or Territory into another State that the goods shall immediately upon entering said State become subject to the laws of the said State to the same extent and in the same manner as though they had been manufactured or produced in said State, and shall not be exempt therefrom by reason of the fact that said goods are in the original importer's package; and further providing that oleomargarine manufactured for interstate commerce traffic in imitation or semblance of butter shall be taxed 10 cents per pound; and

Whereas the results desired to be obtained by the enactment of this act into a law is to drive the fraud out of the oleomargarine traffic that now exists in it, to the end that the consuming public may not be deceived or defrauded; and

Whereas its passage will be in the interest of the honest producers of dairy products, to the end that oleomargarine can not be imposed upon the consumers as or for butter: And therefore, be it

Resolved, That if the senate concur, the legislature of the State of New York hereby respectfully request the United States Senate to pass said measure in the interest, primarily, of the consumers of dairy products in this country, and secondly, in the interest of the honest producers of dairy products of this country and to the end that in the traffic of dairy products commercial integrity may remain unimpaired; and it further

Resolves, That a copy of these preambles and resolutions, made patent by the signature of the clerks of the senate and assembly, be forwarded to the Senate of the United States and be entered upon the journals of this house.

By order of the assembly:

A. E. BAXTER, Clerk.

IN SENATE, February 20, 1901.

Concurred in without amendment, by order of the Senate.

JAMES S. WHIPPLE, Clerk.

Mr. DEPEW presented petitions of the Woman's Christian Temperance Union of Mamaroneck, Sing Sing, and Fort Plain; of the congregations of the First and Second Presbyterian, Salem Baptist, St. John's Methodist Episcopal, and German Methodist churches, of New Rochelle; of the congregation of the Central Presbyterian Church, of New York City; of the congregations of sundry churches of Bridgewater and Angelica; of the Presbytery of Troy; of the Woman's Missionary Society of Rochester; of the Woman's Home and Foreign Missionary Society, and of sundry citizens of New York City, Brewster, Buffalo, Chaumont, Cambridge, Carmel, Crofts, Mahopac, Elmira, Fenner, Fultonville, Fonda, Frewsbury, Gainesville, Harrisville, Pelham Manor, Scarborough, Sing Sing, and Savona, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. KEARNS presented the following memorial of the legislature of Utah; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD:

Memorializing Congress to aid in the reclamation of arid lands in the United States.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the governor and legislature of the State of Utah, would respectfully memorialize the Congress of the United States to aid in the reclamation of arid America, in order that settlers might build homes on the public domain, and to that end we urge upon the Congress of the United States that national appropriations commensurate with the magnitude of the problem should be made for the preservation of the forests and reforestation of the denuded mountains and valleys, as natural storage reservoirs, and for the construction by the National Government, as part of its policy of internal improvement, of storage reservoirs and other works, for flood protection and to save for use in aid of navigation and irrigation the waters which now run to waste, and for the development of artesian and subterranean sources of water supply.

The water of all streams should forever remain subject to public control and the right to the use of water for irrigation should inhere in the land irrigated, and beneficial use be the basis, the measure, and the limit of the right.

The work of building the reservoirs necessary to store the floods should not be left to private enterprise, for reasons aforesaid, but should be taken in hand by the Government.

We commend the efficient work of the various bureaus of the National Government in the investigation of the physical and legal problems, and other conditions relating to irrigation, and in promoting the adoption of more effective laws, customs, and methods of irrigated agriculture, and urge upon Congress the necessity of providing liberal and sufficient appropriations for this important work.

A. J. EVANS,
President of the Senate.

WILLIAM GLASMANN,
Speaker of the House.

Approved this 14th day of February, 1901.

HEBER M. WELLS, Governor.

I hereby certify that the within senate joint memorial No. 1, "memorializing Congress to aid in the reclamation of arid lands in the United States," originated in the senate, and the same was passed by the senate on the 21st day of January, 1901, by the following vote: Yeas 16, nays 0, absent 2.

NOBLE WARRUM, Secretary.

I hereby certify that the within senate joint memorial No. 1 was passed by the house on the 1st day of February, 1901, by the following vote: Yeas 42, nays 0, absent 3.

M. M. STEELE, Jr., Chief Clerk.

Mr. HOAR presented a memorial of the Clifton Literary Club, of Dorchester, Mass., remonstrating against the licensing of prostitution by the United States military authorities in Manila, P. I.; which was referred to the Committee on Military Affairs.

He also presented the petition of George T. Murdough and 19 other citizens of Springfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BAKER presented a concurrent resolution of the legislature of Kansas, praying for the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. ELKINS presented a petition of sundry citizens of Wheeling, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Fairmont, of the congregation of the Presbyterian

Church of Fairmont, and of the State Woman's Foreign Missionary Society of the Presbyterian Church, all in the State of West Virginia, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other Pacific islands which are not under civilized governments; which were ordered to lie on the table.

Mr. FRYE presented a petition of the War Veterans and Sons' Association of Brooklyn, N. Y., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Civil Service and Retrenchment.

ARMY POST EXCHANGE.

Mr. GALLINGER. I present some extracts from the British army regulations regarding the social features of the post exchange. They are interesting, and I move that they be printed as a document.

The motion was agreed to.

PNEUMATIC-TUBE SERVICE.

Mr. PETTIGREW. I present certain papers on the subject of the pneumatic-tube service. I think they contain valuable information on that subject, and I move that they be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment proposing to appropriate \$4,000 to enable the Light-House Board to maintain lights necessary for the safe navigation of those channels in the connecting waterways of the Great Lakes which have been constructed or artificially improved by the Government of the United States, intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM. I am instructed by the Committee on Interstate Commerce, to whom was referred the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893, to report it with amendments. If there be no objection, I should like to have the bill considered and put upon its passage at this time.

Mr. KEAN. I think the bill had better go to the Calendar, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1728) granting an increase of pension to E. P. Stearns;

A bill (S. 1735) granting a pension to Oscar Reed; and

A bill (S. 5306) granting a pension to Elizabeth J. Musgrove.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2288) granting an increase of pension to Samuel Hymer, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5084) granting a pension to Charles J. Clark; and

A bill (S. 5673) granting a pension to Henriette Salomon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, reported an amendment proposing to appropriate \$900,000 to pay for the cost of construction and the furnishing of a building for the Department of Justice, to be expended under the direction of the Attorney-General, intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 5946) to authorize the Pigeon River Improvement, Slide and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River in said State at what is known as the cascades of said river, reported it without amendment, and submitted a report thereon.

RICHARD R. KENNEY.

Mr. PETTUS, from the Committee on Privileges and Elections, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there should be paid out of the contingent fund of the Senate to Senator RICHARD R. KENNEY, of Delaware, the sum of \$488, the amount expended by him in defending his right to a seat in the Senate.

EXPENDITURES IN CUBA.

Mr. PLATT of Connecticut. From the Committee on Relations with Cuba, I report an amendment intended to be proposed to the

deficiency appropriation bill, and I ask that it may be printed and referred to the Committee on Appropriations.

Mr. BACON. I hope the proposed amendment will be read.

Mr. MORGAN. Yes; let it be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The amendment was read, referred to the Committee on Appropriations, and ordered to be printed, as follows:

Amendment to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

Reported by Mr. PLATT of Connecticut, from the Committee on Relations with Cuba.

After line —, page —, insert:

"To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island, heretofore paid from said revenues, the sum of \$15,786.91."

BILLS INTRODUCED.

Mr. DEPEW introduced a bill (S. 6037) for the relief of William Lloyd; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TILLMAN introduced a bill (S. 6038) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 6039) for the relief of Andrew J. Holley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6040) granting a pension to John D. Sandy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6041) granting a pension to J. A. Newbrough; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SULLIVAN introduced the following bills: which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6042) for relief of estate of Mrs. Nancy Eddins, deceased;

A bill (S. 6043) for the relief of the heirs of Lucinda Mundy;

A bill (S. 6044) for the relief of the estate of James C. Mitchell, deceased;

A bill (S. 6045) for the relief of the estate of Francis Griffing, deceased;

A bill (S. 6046) for the relief of S. A. E. Bailey, administratrix of Richard Griffith, deceased; and

A bill (S. 6047) for the relief of Mrs. Catherine P. Byrnes.

Mr. CLARK introduced a bill (S. 6048) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment proposing to appropriate \$1,000 to reimburse Joseph Montgomery for extra work performed by him from December 28, 1895, to February 22, 1901, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted amendments proposing to increase the appropriations for the support and maintenance of the National Homes for Disabled Volunteer Soldiers, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$4,135.38 to pay the Little Falls Knitting Mill Company, being the amount charged against it and deducted from the payments due on account of alleged failure to deliver merchandise as per contract, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$400,000 for continuing the improvement of Buffalo Harbor, New York, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to contract with any person, persons, or corporation for the payment of \$100,000 per year for a period of fifteen years to that person, persons, or corporation upon the construction and completion by them of a dry dock in the harbor of New York on a site to be approved by the Secretary of War, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. JONES of Arkansas submitted an amendment authorizing

and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value thereof, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment providing that the sum or sums appropriated to be paid to the administrator of Peter C. Brooks, deceased, in the act approved March 3, 1899, commonly known as the Bowman Act, be paid to Charles F. Adams as the administrator of that estate, but that the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of the estate represents the next of kin of Peter C. Brooks, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to secure to the military, civil, and judicial powers necessary to govern the Philippine Islands such participation in the affairs of the civil government, so to be established, as shall be consistent with the safety of government, intended to be proposed by him to the Army appropriation bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment proposing to increase the limit of cost for the purchase of site and erection of a building thereon at Leadville, Colo., to \$125,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE submitted an amendment authorizing the proper accounting officers of the Treasury to credit and allow to Maj. T. E. True, quartermaster, United States Army, depot quartermaster, Washington, D. C., a voucher for \$1,300 for payment made by him to Sheldon Jackson, under the approval of the War Department of March 18, 1899, for extra compensation to Sheldon Jackson for services rendered in connection with the relief of people in the mining regions of Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SHOUP submitted an amendment providing for the appointment of a custodian at the abandoned Fort Sherman Military Reservation, Idaho, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BURROWS submitted an amendment providing that the officer in charge of public buildings and grounds be authorized to set apart a sufficient portion of Rawlins Park in the District of Columbia for the site of a memorial building to be erected by the National Society of the Daughters of the American Revolution, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment providing that certain public grounds in the city of Washington be set apart for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. STEWART submitted an amendment authorizing the President to establish a supreme court for the Philippine Islands, etc., intended to be proposed by him to the Army appropriation bill; which was ordered to lie on the table and be printed.

Mr. FOSTER submitted an amendment proposing to appropriate \$50,000 out of the appropriation of \$250,000 for expenses of buoyage for the purchase of gas buoys for the Pacific coast, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SULLIVAN (by request) submitted an amendment providing that all officers who have been wounded in action and now serving in the Philippines shall be examined on their military qualifications alone for promotion in the Regular Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. MCENERY submitted an amendment intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was ordered to lie on the table and be printed.

PUBLIC LANDS.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.; which was referred to the Committee on Public Lands, and ordered to be printed.

TREATY STIPULATIONS WITH SIOUX INDIANS.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what provisions, if any, under the treaty of April 29, 1868, commonly known and called "a treaty with the Sioux of the different tribes, including the Santee Sioux of Nebraska," are left unfulfilled; how much, to what use, to whom, and in what manner were the moneys paid, and the articles delivered under the provisions of said treaty, to wit, articles 8, 10, 13, and 14; also if actual woolen clothing has been purchased pursuant to the provisions of said treaty, and if not so purchased, the reasons therefor; also if Indian women and children who reside upon and make their living on farms are entitled to the \$20 per capita under the tenth article of said treaty; what per cent of the members of the Sioux who were parties to the agreement were counted as those who roam and hunt and the share of the \$10 per capita appropriated for their benefit and the amount thereof; also what separate amounts each of the Sioux tribes who were parties to this agreement under said treaty have received the following articles for the period named in the treaty, to wit, clothing, subsistence, stock, implements, building material, and other benefits accruing under the said treaty; and the Secretary of the Interior is further directed to inform the Senate if the Santee Sioux Indians have had their lands surveyed under article 6 of said treaty, and if not, the reason for the failure to survey the same.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PETTIGREW. I should like to ask what particular tribe of Indians the resolution includes?

Mr. ALLEN. It includes all of the Sioux.

Mr. PETTIGREW. Then I should like to have the resolution go over, because I want to look at it.

The PRESIDENT pro tempore. The resolution will go over, under the rule.

MARY A. MORTON.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which, on motion of Mr. GALLINGER, was read, and, with the accompanying paper, referred to the Committee on Pensions:

To the Senate:

In compliance with the resolution of the Senate of February 19, 1901 (the House of Representatives concurring), I return herewith the bill of the Senate, No. 333, entitled "An act granting a pension to Mary A. Morton."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 22, 1901.

HOUSE BILL REFERRED.

The bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

OSAGE INDIAN AFFAIRS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on the 20th instant, as follows:

Resolved, That the Secretary of the Interior is hereby directed to inform the Senate whether the statement made in the memorial of the Osage Nation of Indians to the Congress of the United States and printed in Senate Document No. 113, as follows: "The United States agent has wrongfully assumed the right to collect, and is collecting, the tax charged under Osage laws upon white persons coming into the Osage country (called permit money), and refuses to allow the same to be paid to our national treasurer or to account to him therefor. In fact, the Secretary has by the orders referred to abolished the office of Osage national treasurer; has taken possession of his office building, safe, and vaults, and turned same over to a private banking concern composed of white men, and all this without the consent of the Osage council or tribe," is true; and if so, to state by what authority of law these things have been done, and also what persons constitute the "banking concern composed of white men" to whom the "office building, safe, and vaults" have been turned over.

Mr. JONES of Arkansas. I ask that the resolution lie on the table for the present.

The PRESIDENT pro tempore. Retaining its place?

Mr. JONES of Arkansas. No, sir; I do not care for that. Let it lie on the table subject to call.

The PRESIDENT pro tempore. It will lie on the table subject to call, if there be no objection. The Chair hears none, and it is so ordered.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HANSBROUGH on the 18th instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

Mr. WOLCOTT. Let the resolution go over. It has already gone over for one day or more. The Senator from Maine [Mr. HALE] has some amendments to offer, and he is not here.

The PRESIDENT pro tempore. Retaining its place?

Mr. WOLCOTT. Yes.

The PRESIDENT pro tempore. The Senator from Colorado asks that the resolution may lie over, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to.

SCHOOL LANDS WITHIN INDIAN RESERVATIONS.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (S. 5978) authorizing the Secretary of the Interior to appear in suits brought by States relative to school lands.

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. WOLCOTT. I wish to oblige the Senator from Minnesota. Personally I have no objection. I am told his bill is one which will take but a moment. It is only a question of the consideration of the business of the Senate. If I may yield to this and yield no more, I am willing.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in any suit instituted in the Supreme Court of the United States to determine the right of a State to school lands within any Indian reservation or cession where an Indian tribe claims any interest in the lands in controversy, or in their disposition by the United States, the right of the State may be fully determined without making the Indian tribe a party to the suit if the Secretary of the Interior is made a party; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter is devolved upon the Secretary.

Mr. HOAR. I do not rise to object to the bill —

Mr. NELSON. I want to say about this bill that it has been prepared by the Interior Department, and has a bearing upon a suit brought by the State of Minnesota relative to school lands on Indian reservations. The suit is pending in court, and this bill provides that the Secretary of the Interior shall represent the Indians. That is all.

Mr. HOAR. The question I was about to put is, whether it is not a new policy in our legislation to have any Department except the Department of Justice represent the United States in court? It would seem to me that it would be better to say "the Attorney-General, under the direction of the Secretary of the Interior," or "when requested by the Secretary of the Interior." I move that amendment. If the Senator from Minnesota will accept it, I shall make no objection to the bill; otherwise I shall be obliged to object to it.

Mr. NELSON. I have no objection to the amendment.

Mr. HOAR. Where the bill says the Secretary of the Interior shall appear, I move to change it to the Attorney-General shall appear on request of the Secretary of the Interior.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After the word "upon," in line 14, insert the words "the Attorney-General upon the request of;" so that if amended the clause will read:

And the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney-General upon the request of such Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Attorney-General upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 12327) to amend an act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 12327) to amend an act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875, was read twice by its title, and referred to the Committee on Commerce.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. RAWLINS], which will be stated.

The SECRETARY. On page 19, after line 6, strike out all of the bill down to and including line 21, as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, \$171,338.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., \$25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. VEST. Mr. President, I hope that the motion of the Senator from Utah will not prevail. I know nothing in regard to the facts as to the fast mail service for which appropriation is made in this bill between New York and New Orleans. I shall rely upon the statements of the Senators from the States interested in that service as to the necessity for it and the wishes of the people and of their representatives in Congress. In regard to the latter portion of the bill covered by this motion, the rapid mail service between Kansas City, Mo., and Newton, Kans., I have personal knowledge and shall proceed to state succinctly and frankly why I am opposed, particularly in regard to that portion of the bill, to the motion of the Senator from Utah.

Mr. President, I am very well aware that I may be criticised for opposition to the motion as to this part of the bill because it affects the interests of my immediate constituents and particularly of the business community of the city of Kansas, the second city in my State. I hope I may be pardoned for making a personal statement to which I shall not again allude, and this is that I have no personal ambition except to serve out my present term in the Senate, and have no desire to secure personal or political influence hereafter, or to propitiate any interest whatever. What I shall say is dictated by a sense of public duty and by my personal knowledge in regard to this matter.

It was said very vehemently yesterday by my much respected friends the senior Senator from Tennessee and by his colleague, the junior Senator from Tennessee, that these appropriations for rapid mail service were pure and simple subsidies, and the senior Senator from Tennessee expressed the hope that no Democrat opposed to subsidies upon principle would for a minute consider the propriety of voting for any such appropriation. Mr. President, I shall make no pretense of extraordinary fidelity to the doctrines of the Democratic party, to which my life has been given, but I have never voted for a subsidy if I knew it to exist in any legislation proposed in the Senate. I do not believe that subsidies are constitutional and have so repeatedly stated upon this floor.

I voted against the postal subsidy bill in 1891, proposed and eloquently advocated by our President pro tempore now in the chair. That was a subsidy bill pure and simple, for it gave increased pay for increased speed to ships that carried not one ounce of mail matter to foreign countries. The bill, a copy of which I have before me, states upon its face that it is a bill for subsidy and bounty; and it was so objectionable to those of us opposed to subsidies that even ex-Senator Edmunds, then a distinguished member of the Senate and chairman of the Judiciary Committee, and who wrote the present ship-subsidy bill pending in the Senate, spoke against it, and upon a yea-and-nay vote recorded his opposition to it. I voted against that bill because it was a subsidy bill, but I have never failed to vote for increased mail facilities where service in that direction was given to the Government and the people of the United States. I believe that the mails of this country are the greatest instrumentality of civilization and enlightenment, and in a Government based upon the intelligence and patriotism of the people knowledge and communication between the different sections of the country are absolutely necessary to preserve free institutions.

Mr. President, what is a subsidy? A subsidy, as every intelligent man will admit, is the giving of something by the Government for nothing; and if there be a consideration for a subsidy at all it is that nebulous and uncertain quantity known as the general welfare, which has long since been discarded by all parties as too uncertain to receive the consideration of legislators acting officially for their constituents. When a private interest becomes crippled from any cause and appeals to the Government for pecuniary assistance out of the tax money of the people, and Congress steps forward and says, "Yes; in the name of the general welfare we will take the money of other people and give it to you, in order that your interest may be put upon its feet and all portions of the

country benefited," that is subsidy. When there is a consideration, either moral or valuable, for an appropriation out of the public Treasury, it is not a subsidy.

What is proposed by these appropriations in the pending bill? Increased mail facilities, fast mail service, and, as a matter of course, it is hardly necessary for me to observe that the time in which the mails are carried constitutes a very considerable part of the consideration for which these appropriations should be made.

I deny absolutely, and with great respect to the Senators from Tennessee, that this is a subsidy in any sense of the term. I was informed yesterday, in reply to an inquiry I made of the chairman of the Committee on Post-Offices and Post-Roads, that until these appropriations were made this mail service was not furnished to the people either of the Southern States or of Missouri and Kansas. I know personally that the service from Kansas City to Newton, Kans., was obtained after great difficulty and after unavailing applications to the Postmaster-General to make such arrangements with the railroad running from Kansas City, Mo., to Newton, Kans., as would secure these fast mails.

The information that came then from the Department was that Congress must act and make it to the interest of that railroad company to put on these additional trains.

It was stated here, I think by the senior Senator from Tennessee, quoting possibly from some post-office official, that this mail service from Kansas City to Newton, Kans., was in the interest of a single newspaper in Kansas City, Mo. It is not true, and that official when he gave the information was mistaken. My colleague and I know personally that that statement is incorrect. The entire business community of Kansas City, Mo., united in the request for this mail service. The railroads running from Kansas City, Mo., to Newton, Kans., pass through a fertile and fairly populous portion of the State of Kansas, whose trade center is Kansas City, Mo., and the impression would be made by the statement that was quoted yesterday that there was but one newspaper in the City of Kansas, Mo., and this newspaper had enough influence to secure these additional mail facilities.

There are five daily papers in Kansas City, Mo., which is a city of 175,000 people and fast increasing in population. It is the trade center for western Missouri and eastern Kansas and the Indian Territory and a portion of Texas, and as a matter of course the largest commercial advantage was to be expected from increased and speedy mail communication between this trade center and contiguous or dependent localities whose merchants and people come to Kansas City in the course of trade.

Mr. WOLCOTT. Will the Senator from Missouri permit me a moment to call his attention to a statement in the testimony here?

Mr. VEST. Of course.

Mr. WOLCOTT. It appears in the testimony given by Mr. Shallenberger, the Second Assistant Postmaster-General, that so far as mails are concerned on this special-facility train, it takes only letters that are collected after 9.20 at night and before 3.30 in the morning. So if anybody in Kansas City writes and mails a letter before 9.20 at night it goes by an earlier train than this.

Mr. HOAR. This train takes newspapers?

Mr. WOLCOTT. Yes; it takes newspapers.

Mr. VEST. That—and I am obliged to the Senator from Colorado for the statement—corroborates what I stated, that the entire business community of Kansas City, Mo., is interested in these additional mail facilities, because we all know that the correspondence of business men is prepared after the business of the day is concluded, and the letters that go into the mails before 9.20 at night and at the close of business during the day are the business letters that go out to the business constituents of the houses sending the letters.

Mr. President, I was surprised upon yesterday at a statement made by the honorable chairman of the Committee on Post-Offices and Post-Roads in regard to the facility with which this rapid transit of mail is secured. Although there was much confusion upon this side of the Chamber, I endeavored to hear the Senator distinctly, and I understood him to say that there was never at any time the slightest difficulty in obtaining from the railroads additional mail facilities at the ordinary price. I believe I quote him correctly. I have not looked at the RECORD in regard to his remarks, but he can correct me if I am mistaken.

Mr. WOLCOTT. I not only stated that, but if the Senator will bear with me, I have here a statement in print by Mr. Grant, in which he states that there are 20 roads which run trains equally inconvenient and equally at a loss, and solely for the purpose of facilitating the Government. Will the Senator bear with me while I read this statement, or does he prefer to go on? I should like very much to read it, if he would like me to do so. I do not wish to intrude.

Mr. VEST. I should like to hear it now. I want to get the truth about it.

Mr. WOLCOTT. It will take but a moment. This is from Mr. Grant, then the acting head of the Railway Mail Service:

There seems to be no justification for the special facilities payments, judging from results obtained. If we treated all lines on this basis, then we should pay the Northwestern Railroad for running an early morning train from Chicago (at 2.45 a. m.) to Fort Howard, Wis.; also for Cedar Rapids from Chicago. We should also pay the Chicago, Milwaukee and St. Paul Railroad for a train leaving Chicago at the same hour, and running to Marion and the West; also the same road for a train from Chicago to Milwaukee and St. Paul; the Chicago, Burlington and Quincy for a train leaving Chicago at 3 a. m. and running to Burlington and Omaha; the Monon Route for a train leaving Chicago in the early morning for Cincinnati. The Illinois Central also has a train leaving Chicago about the same hour, as has also the Pittsburg, Fort Wayne and Chicago and the Lake Shore and Michigan Southern. The Missouri Pacific runs a train out of St. Louis at 3 o'clock in the morning; so does the Iron Mountain; also the Baltimore and Ohio Southwestern; the Pennsylvania for Indianapolis and the East, and the Wabash for Toledo and the East. The Baltimore and Ohio Southwestern also runs a train out of Cincinnati about the same hour. The Cincinnati, Hamilton and Dayton also has a train out of Cincinnati at about 3 a. m. The Michigan Central runs a train out of Detroit about the same hour; so does the Flint and Pere Marquette.

He says that the great trouble about the granting of these facilities is that it breeds a hesitancy on the part of railroads not receiving it to comply with the wishes of the Department, and that if these were swept away, then there would be no hesitancy on the part of roads putting on trains whenever requested. He gives here—I do not like to take the time of the Senator from Missouri—

Mr. VEST. Go on.

Mr. WOLCOTT. He gives here 30 or 40 railroads which put on trains at a dead loss, without any extra compensation, because, the Senator will remember, that these roads are all paid for this mail. The payment they get is not inclusive of their other pay. They get the regular pay for it in addition.

I will say also to the Senator that the statement the Department makes that this train out of Kansas City only takes the mail that comes after 9.20 is followed by the statement that there is practically no letter mail collected, because nearly all the letters are mailed before 9.20.

Mr. VEST. Mr. President, alluding first to the last statement made by the Senator from Colorado, I prefer to take the testimony of the business men of Kansas City, and not only their testimony, but their action in regard to this matter. I repeat that my colleague and myself have received any number of letters and telegrams from the business men of Kansas City, without distinction as to party, asking for this additional mail communication. With great deference to the Department, it is impossible—and I think the Senators from Kansas will corroborate me in the statement—that there are no letters in the mail that goes out from Kansas City to Newton, Kans., because that road, and there is but one, goes through quite a populous portion of the State of Kansas, where the people have daily and hourly business communications with the merchants and business men in the city of Kansas City.

Now, Mr. President, in regard to the railroads being willing to furnish this additional mail communication upon solicitation, I admit that in those portions of the country where railroads parallel each other and there is severe competition between large cities that statement may be correct, and doubtless it is. Take, for instance, the Pennsylvania Railroad between New York, Philadelphia, and Washington, where there are numbers of trains running every hour with passengers and mail. I can very easily see how in a case like that the road would furnish a mail at any given time upon the ordinary terms. So with the great railroads that run into the city of Chicago and into the city of St. Louis. But take the road running from Kansas City, Mo., to Newton, Kans., which I am now discussing. In that case there is but one road, and they refuse the Department this facility unless additional pay is given to them by act of Congress.

Can it be supposed for a moment that the Congress of the United States would have given this \$25,000 a year for the additional fast mail between Kansas City, Mo., and Newton, Kans., simply to carry copies of a single newspaper? Who believes that any newspaper in this country has the influence to secure an appropriation of that kind?

Mr. President, I have some personal experiences in regard to fast mail, growing out of my official duties as a member of this body. I remember several years ago when the business men of Kansas City and especially of the city of St. Louis, Mo., thought it vitally important that a fast mail should be established between those two cities, one upon the eastern border of the State and the other upon the western border. The Missouri Pacific Railway runs from Kansas City, Mo., east through the central portion of my State to St. Louis, and when my colleague and myself, under the pressure of importunity from the merchants and business men of St. Louis particularly, applied to the Department in order to obtain additional and speedy mail communication or transportation, we were informed that it could not be obtained from the Missouri Pacific Railway unless they received additional pay.

So far from that railroad being willing to put on an additional

train which would carry the mail into Kansas City from St. Louis by 9 o'clock upon each morning, as is done now, the road peremptorily refused unless additional pay was given to them, and they put their refusal upon the ground that extra speed must receive extra pay; that the consumption of fuel, the addition of new force upon the train, the extraordinary hours at which the train was to run, consuming a portion of the night and a small portion only of the day, necessitated upon their part that there must be additional pay before they would comply with the request of the people and of the Department. My colleague will corroborate me in the statement that we labored earnestly for more than a year before we were able to obtain the fast mail that now runs between these two cities in the State of Missouri.

The Senator from Georgia [Mr. BACON] tells us that his people urgently request that these additional facilities shall be given to them as to the fast mail between New York and New Orleans. I state to the Senate that the people of Kansas City, which has been my home for years, ask that this mail between Kansas City, Mo., and Newton, Kans., shall be continued. If this appropriation be taken away, that mail will stop. It could not be obtained except by paying this \$25,000. The facilities can not be had except by complying with the demand made by the railroad, because it is the only road running between those two points.

I undertake to say that the Senators from Alabama and Louisiana, though I have not consulted with either of them, will corroborate the statement of the Senator from Georgia, and I am sure, without having communicated with the Senators from Kansas, that they will unite with me in asking the Congress of the United States not to support the motion to strike out made by the Senator from Utah.

Mr. HARRIS. Mr. President, I can say but very little in addition to what has been said by the Senator from Missouri [Mr. Vest] with regard to this appropriation for expediting the mail from Kansas City to Newton, Kans. I can only speak from my personal knowledge of the matter, which is that the train never would have been put on except for this appropriation; that the service has been rendered reluctantly on the part of the Atchison, Topeka and Santa Fe Railroad, and it is merely owing to the demand of the people of Kansas City and of southern Kansas and Oklahoma that it is done. It is not a profitable train to the railroad; it is inconvenient for them. But they are a broad and liberal company, and they have consented, reluctantly, as I have said, to render this service when this additional payment has been made.

Kansas City is a great center. Railroads come in from the North, the Northeast, and the East, from St. Louis, from Chicago, and from Omaha. A very large part of that mail gets in there too late in the evening for the 9.20 collection, which the Senator from Colorado has referred to, and that is taken out by this train to another center. Newton is a point in the extreme southern part of Kansas, from which radiate roads in a great number of directions. It arrives there early in the morning. The trains are made up at that point, and this mail is scattered all over the southern part of the State and the northern part of Texas and Oklahoma. Even the northern part of Kansas is benefited by it, for I know by my own experience mail is transferred from this fast train at Topeka to a train on the Union Pacific coming east, and, while I live only an hour's run from Kansas City, I get mail from St. Louis, from Chicago, and from Kansas City by virtue of this transfer three hours earlier than I would otherwise receive it direct from Kansas City on the noon train.

It is a specific payment for a valuable service rendered by this company to the people of Kansas City and the people of southern Kansas and of Oklahoma. It is in no way a subsidy, and I am astonished that the men who are opposing the subsidy proposition should so weaken their argument as to assert that there is any resemblance between the two cases. This is a service demanded by the people, rendered distinctly by the companies for that purpose, and is not a matter of great profit to the Atchison, Topeka and Santa Fe Railroad Company, which, as indicated in the report of the Postmaster-General, is not particularly desirous of continuing it, but it does so in answer to the universal demand of the people of western Missouri and of southern Kansas and of Oklahoma.

I hope, therefore, that the amendment of the Senator from Utah will not prevail.

Mr. RAWLINS. Before the Senator sits down, I should like to ask him what the distance is from Kansas City to Newton?

Mr. HARRIS. Nearly 250 miles.

Mr. THURSTON. Mr. President, how can any Senator on this floor vote against extending a fast mail train from Kansas City to Newton, Kans.? Kansas is in an unfortunate condition. There is being waged the irrepressible conflict between the unlawful joint and the illegal hatchet.

I understand that this train from Kansas City leaves at a very early hour in the morning, and it carries to the suffering people of Kansas early in the day the consolations of the great metropolitan journals and of the original Missouri packages. Nothing

will do so much to save Kansas as newspapers and original packages. For that reason, Mr. President, I am in favor of continuing the service.

Mr. MORGAN. Mr. President, I have been advocating this appropriation for years and years, always at the request and earnest solicitation of the merchants of Mobile and Montgomery and other cities in my own State, and the people of Alabama are very earnestly in favor of it.

The principle contained in this appropriation is precisely the same that is in every star-route case, and while some of my Democratic brethren have stomachs which revolt at this, upon what they conceive to be entirely correct principles, I must say that my stomach never gets so tender that I want to throw up my boots. I am not quite so extravagant and exaggerated a reformer as that.

Now, there is not one mail line in the United States that is not paid upon the principle of speed. Let me state a fact that perhaps some of my Southern Democratic friends do not understand. The contracts from which we have been trying to drive the Post-Office Department for many years with the great route lying between New York and New Orleans are made so that the Post-Office Department controls two trains on what is now the Southern road, as we call it. I forget the numbers of the trains; they are 18, I believe, and 36. The Department controls two trains, so as to prescribe to those trains the hour of leaving the city of Washington, and they have not the right to leave at any other time than that fixed in the schedule by the Post-Office Department. That is done for the purpose of preventing a failure of mail between New York and New Orleans and all the intermediate points, and also to California, from a delay that may occur in the breaking down of the train or in some other accident between Washington, we will say, and New York.

This train at Washington is held until the New York train comes in. If it is five hours or ten hours, it makes no difference. Then they are required in their contract that the time between Washington, Boston, and New York, or Washington and New Orleans shall be absolutely accomplished, and if there is five minutes' failure in the delivery of mails according to that schedule, according to that requirement, the entire pay for that trip is forfeited.

That is a provision which I understand is fixed by the regulations of the Post-Office Department, which does not apply in ordinary cases to the transit of mails through the country; and it is a very hard provision upon the railroad companies, for they must be prepared to have their trains in readiness to await the pleasure of the Post-Office Department and to obey its commands and start at the time fixed, and then if they are five minutes short the forfeiture of the right to increased pay is absolute; it can not be excused; it can not be condoned by the Department.

Now, that is an important feature in this contract and in this mail subsidy, as we call it. It is a subsidy, and I have voted for mail subsidies without reserve at all times. I voted for the subsidies to the steamships that carry the mails across the Atlantic Ocean and to many other lines that have been subsidized. But in doing that I was voting to promote a strictly Government purpose—not the private interests of any person whatever, but the interest of the Government of the United States; and if that be not a legitimate subject of voting and of action I do not know what is.

I am not in favor of stopping the Government and preventing it from having the same facilities that private persons may have by contract or agreement in the transaction of that very important line of public business, so I have not the slightest hesitancy in saying that I will vote against the proposition to strike out these appropriations, and I will vote for such appropriations whenever and wherever it can be made to appear that the Government of the United States has its business facilitated and improved by the appropriations.

In this case the people of Alabama are deeply concerned. I have many letters and telegrams on the subject that I could not disregard at all unless I found in my way some such barrier of obstruction as other Senators seem to find in their way in reference to making any public improvement for the benefit of the Government or anybody else at the expense of the Treasury.

Mr. PRITCHARD. Mr. President, I had not intended to say anything about this measure, but in view of certain statements that have been made in respect to it I deem it my duty to say a few words in relation to it.

On yesterday, in the discussion of this question, among other things the distinguished Senator from Massachusetts [Mr. LODGE] said:

We were cut off; I do not know why. It does not hurt our mail facilities one particle.

Now, Mr. President, I have no doubt as to the truth of the Senator's statement.

Mr. LODGE. If the Senator will allow me, as he has alluded to what I said, I will explain to him why it did not hurt us at all.

Mr. PRITCHARD. I was going to come to that.

Mr. LODGE. The fast Southern mail is carried on what is known as the Colonial Express, which leaves Boston at half past 7 in the evening. We had a subsidy and then they cut it off, and now the subsidy begins at New York. The train leaves New York at 4.30. There is a train which has been on for years. It gets to Boston at 10.20. We pay \$30,000 to the Pennsylvania road and parts of its system for a service that they give anyway, for a train that they run in any event. If it was cut off north of Washington you would have exactly the same service that you have to-day, just as we had exactly the same in New England.

Mr. PRITCHARD. Mr. President, I was proceeding to say that I had no doubt as to the truth of the statement by the Senator as to the subsidy for his line, but at the same time I desire to call the attention of the Senate to the difference of existing conditions with respect to railway facilities in New England as compared with the Southern section which it is proposed to benefit by the pending measure. I have prepared a statement here for the purpose of showing the railway facilities in New England in comparison with the railway facilities in the Southern and Southwestern States.

The reason why this special fast-mail service between New York and New Orleans is right and proper is perfectly clear when the facts are considered.

In New England the population is concentrated, the hauls are short, and the general traffic requires the running of frequent trains. The following trunk lines show frequency of trains as follows:

Route No. 104001, Boston to Portland, 64 trips a week; route No. 104011, Boston to Portland (West line), 50 trips a week, making an aggregate on these two lines of 114 trips a week; route No. 104021, Boston to Troy (Fitchburg), 50 trips a week; route No. 104025, Boston to Albany, 90 trips a week, making an aggregate for Western mails of 140 trips a week; route No. 106004, Boston to New York, 124 trips a week; route No. 106007, Boston to Hopeville Junction (n. o.), 26 trips a week, an aggregate for New York mails by two lines of 150 trips a week.

In the South the cities are long distances apart, and the population is scattered over a large area. The State of Alabama alone has but 15,000 miles less area than the entire area of the six New England States. I do not think that the postal facilities of New England are greater than they should be. On the contrary, I am very glad that she enjoys a service suited to her needs. The mails are carried on two main trunk lines of the South with frequency as follows:

Washington to Jacksonville.—Washington to Quantico, 39 trips a week; Quantico to Richmond, 27 trips a week; Richmond to Weldon, 27 trips a week; Weldon to State line, 22 trips a week; Charleston to Savannah, 24 trips a week; Savannah to Jacksonville, 27 trips a week.

Washington to New Orleans.—Washington to Danville, 24 trips a week; Danville Junction to Atlanta, 24 trips a week; Atlanta to Westpoint (Westpoint to Montgomery), 21 trips a week; Montgomery to New Orleans, 22 trips a week.

The mails, therefore, are carried on the most important New England trunk lines with considerably more than 100 per cent greater frequency than they are carried on the most important trunk lines of the South.

These facts, due to the conditions which most control the running of trains, tell their own story.

Now, we want for our main mails a service superior to that which we have been able to secure under the ordinary conditions governing the transportation of mails.

The policy recently adopted by Congress of extending additional superior and expensive postal facilities to sparsely settled districts through the rural free delivery involves an immediate expenditure of \$3,500,000, with an estimate of an ultimate cost of more than \$20,000,000. This is for special facilities, pure and simple, for every post-office had postal supply before the inauguration of the rural free delivery. If this be right, why is it not reasonable to appropriate the small amount of \$196,000 to advance and foster the rapid transportation of the most important mail service for a vast area of the country, thereby expediting not only these great mails, but also the mails to be received and sent through the rural free delivery, and so bring the service in the South in some measure up to the standard of frequency, etc., enjoyed by the people in the more favored part of the country.

Now, Mr. President, I can well understand in a section of country where 100 or more trips are made a week that the railroads necessarily will give greater facilities for the transportation of the mail than they will in sparsely settled sections through which the road passes and makes not more than 27 trips a week.

It was contended on yesterday by the distinguished Senator from Colorado [Mr. WOLCOTT] that the mail arrived here at 7 o'clock a. m. and remained until 11.15 before it was transmitted South, and he jocularly remarked that it remained here for the purpose of becoming acclimated.

Now, Mr. President, the train to which my distinguished friend refers is the train which leaves New York, if I mistake not, about 3 o'clock a. m.

Mr. LODGE. It leaves at 4.30.

Mr. PRITCHARD. No; it leaves earlier than that.

Mr. LODGE. It leaves at 4.30. I just had the table before me.

Mr. PRITCHARD. You refer to the fast train. You refer to the train coming from Boston.

Mr. LODGE. No; but I mean that that is the fast mail, which stops over here for an hour. It is the subsidized train.

Mr. PRITCHARD. But my distinguished friend is mistaken. The train to which he refers leaves New York at 12.15 and arrives here at 7.

Mr. LODGE. I read it from the statement of Mr. Shallenberger.

Mr. PRITCHARD. I understand, but the Senator refers to one train and I am referring to another. My friend will understand, if he will just listen to me patiently for a few moments, that the train arrives here at 7 o'clock a. m. and remains here until 11.15. But the train to which my distinguished friend refers does pass New York at 4.15 and arrives here at 10 a. m., as I understand.

Mr. LODGE. It comes at 10.20 and leaves at 11.15, the same train. There are two trains, but they are both subsidized trains.

Mr. PRITCHARD. Therefore, Mr. President, the train in which the Southern people are interested, to wit, the train which carries the New York papers, the train which carries the mail, the train in which our people are interested, does not arrive here until 10 o'clock, as my distinguished friend stated.

Mr. LODGE. But it arrives here an hour before your train leaves for the South.

Mr. PRITCHARD. I think my friend is mistaken.

Mr. LODGE. Not at all. I just read from their statement. It leaves at 11.15. If the Senator will look at the time-tables, he will see that is the one.

Mr. PRITCHARD. If that is so, it remains here for the purpose of collecting some other mail which comes from New England, and about which I know nothing.

Now, Mr. President, the point I desire to make is that the train we are interested in is the train which arrives here in time to enable the fast mail to carry the matter South.

I remember an experience of my own before we had this fast mail facility. In the community in which I live, in the extreme western portion of my State, a newspaper from the city of New York was two days old when it reached that point. Under the present arrangement the Washington Post is mailed here at 11 o'clock on one day and the next morning it is on our breakfast table ready to be read. Under the old system we would have received the Washington Post at 5 o'clock that afternoon, being, practically, two days old before we got the opportunity of reading it.

It was contended by some one yesterday (I do not remember by whom) that we had the same kind of facilities in operation prior to July, 1893. That is true, and it is not true. For about six weeks prior to July, 1893, at which time the mail facility went into operation, the Southern Railway, in order to test the practicability of the plan, did put on the road the very identical train that they have to-day, and they run it for six weeks at their own cost for the purpose of demonstrating the fact that they could deliver the mail under those circumstances much earlier than otherwise.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from North Carolina will please suspend. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. ALLISON. I ask that that bill be informally laid aside.

Mr. GALLINGER. Mr. President, I appreciate the absolute necessity of having the unfinished business laid aside in view of the fact that there is a great appropriation bill pending before the Senate; but I want to express my regret that we are in a situation which renders that necessary. I am personally interested, and my State is greatly interested, in the consideration of that bill, and I hope we may in some way get to its consideration so as to pass it before we finally adjourn.

Mr. STEWART. Mr. President, I am opposed to the bill. I do not think it is of such importance as to stand in the way of everything else, or that it ought to be continued as the regular order.

Mr. GALLINGER. I do think it ought to be retained as the regular order.

Mr. STEWART. I think it should be laid aside by a vote of the Senate.

Mr. ALLISON. I have only asked that it be laid aside infor-

mally, so that the consideration of the appropriation bill may be proceeded with.

Mr. STEWART. When the question next comes up I shall antagonize it with an appropriation bill and try to have it laid aside by a vote of the Senate.

Mr. GALLINGER. Very well; the friends of the bill will be ready for that when the Senator attempts it.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be temporarily laid aside for the purpose of continuing the consideration of the Post-Office appropriation bill. The Chair hears no objection, and the Post-Office appropriation bill is before the Senate as in Committee of the Whole. The Senator from North Carolina [Mr. PRITCHARD] is entitled to the floor.

Mr. PRITCHARD. Mr. President, it was contended on yesterday by the distinguished Senator from Colorado [Mr. WOLCOTT] that the penalty fixed as a forfeiture for failure to deliver the mail at a certain time on the line applied alike to all trains, subsidized or otherwise. That is so, with the exception that under the arrangement by which this subsidy is received the Southern Railway agrees to hold its trains subject to the order of the Post-Office Department. For instance, the Post-Office Department can require the Southern Railroad Company to hold its trains indefinitely at Washington. On the other hand, if the Southern Railway train reaches Danville an hour and five minutes late, the company forfeits the entire pay for that day. That is not the case with the ordinary train which does not receive this pay. On the ordinary train which carries the mail, when there is an accident, a hot box, or any other casualty, if that fact is made to appear to the Department the railroad company is at once excused and the forfeiture is remitted.

Mr. TURLEY. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. PRITCHARD. Certainly.

Mr. TURLEY. I want to ask the Senator why it is that the Post-Office Department puts a condition such as he describes in this contract for the benefit of the people on the line from here to Atlanta and New Orleans, and does not give the balance of the country the benefit of such a contract?

Mr. PRITCHARD. It is because they undertake to give to our section of the country facilities that we could not get under the ordinary operations of law.

Mr. TURLEY. Is the Senator willing to admit that his section of the country is so situated and in such a condition that it has not the advantages of the remainder of the South?

Mr. PRITCHARD. Mr. President, I am sorry to say that the distinguished Senator's section of the country, as well as my section of the country, is more sparsely settled and has fewer railroads in it than has the New England section. I regret it exceedingly. Because that is so is no reason why Southern Senators should not use their efforts to put the Southern people on an equal footing with those residing in other sections of the country. Because a man happens to reside in the State of Tennessee is no good reason why he should not be enabled to read his paper as early as any other man, and is no reason why he should not have the same mail facilities that every other citizen of the United States obtains. If this Government can not give these facilities, at the amount ordinarily paid for that purpose, it is the duty of the Government to vote money sufficient to give to our people the facilities to which they are entitled.

Mr. President, some of our distinguished friends are very touchy upon this question, but at the same time they have no hesitancy in voting for the river and harbor bill and other bills that are calculated to benefit the particular sections in which they happen to reside. If it is right in one instance to vote an appropriation of public money, it necessarily follows that it is right in the other.

The distinguished Senator from Colorado yesterday jocularly remarked that these were slow trains, and that if we had fast trains on these lines, in other words, if the railroads would do their duty and put fast trains on the lines, there would be no necessity for this appropriation. I call the attention of my distinguished friend to the fact that the train which leaves Washington at 11 o'clock a. m. arrives at Atlanta at 5.20 the following morning, and at Jacksonville at 7.20 a. m., making over 40 miles per hour, including stops.

Mr. President, we do have in a limited way a splendid service over the Southern line, but under existing conditions they can not and they will not give to the Southern people those special facilities which the country at large enjoys unless we vote this appropriation.

A good deal has been said about the conditions which obtained prior to the adoption of this system and the present conditions, and a great deal has been said about what Mr. Shallenberger, the Second Assistant Postmaster-General, has had to say in respect to the subject. I desire to submit as a part of my remarks a letter signed by Mr. Shallenberger, Second Assistant Postmaster-General, addressed to Mr. SWANSON, of the House of Representatives, dated March 3, 1898, and I ask the Secretary to read it.

The Secretary read as follows:

POST-OFFICE DEPARTMENT.
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
RAILWAY MAIL SERVICE,
Washington, D. C., March 3, 1898.

SIR: I have the honor to acknowledge your favor of the 26th ultimo, making inquiry as to the employment of the "Special facilities" appropriation for the transmission of the mails between New York, N. Y., and New Orleans, La., via Washington, D. C., by the system of railway postal car service operated over the Southern Railway Company between the points mentioned in your letter of date above quoted, and in reply thereto I herewith furnish the information requested in the order of your inquiry, viz:

"First, I would like to have a statement of the number of trains carrying mail on February 1, 1893, and their time of departure from New York and Washington for points between Washington and the South and Southwest over the Southern Railway, as compared with the same information on February 1, 1898. I desire to ascertain the number of hours consumed in the transmission of mail on each train between New York and Washington and the following points on the two dates mentioned: Danville, Greensboro, Charlotte, Atlanta, Montgomery, Mobile, New Orleans, Houston, San Antonio, Birmingham, Memphis, Columbia, Augusta, Savannah, Jacksonville, Tampa, Asheville, Knoxville, and Chattanooga."

First. On February 1, 1893, there were two trains operating between Washington, D. C., and New Orleans, La., for the dispatch of mails between the points named, and for the intermediate destinations mentioned by you. The time in transit, stated in hours and minutes figured from New York to destination, is shown to have been as below stated. It will be noticed, however, that the morning train did not have connection through to New Orleans, but was abandoned at Atlanta, Ga., the connection being taken by the following train, which was due to leave New York at 4.30 p. m. The side connections, however, for Chattanooga, Augusta, Savannah, and Jacksonville, etc., were made by this morning train from New York, but there was no through direct connection for destinations south of Atlanta, Ga., including New Orleans and connecting points. The schedule was as follows:

	No. 9.	No. 35.	No. 11.
	a. m.	p. m.	p. m.
Leave New York.....	12 15	4 30	4 30
Leave Washington.....	8 30	10 43	11 00
	h. m.	h. m.	h. m.
Arrive Danville.....	18 15	13 00	15 15
Arrive Greensboro.....	19 55	14 25	17 00
Arrive Charlotte.....	22 55	16 55	20 20
Arrive Atlanta.....	33 00	24 25	30 30
Arrive Montgomery.....	No connection	29 00	38 35
Arrive Mobile.....	these points	34 45	44 00
Arrive New Orleans.....	by this train.	39 05	48 15
Arrive Houston.....		55 37	62 37
Arrive San Antonio.....		63 30	75 45
Arrive Asheville.....		23 55	
Arrive Knoxville.....		22 05	
Arrive Chattanooga.....		31 45	
Arrive Birmingham.....		37 55	31 35
Arrive Memphis.....		43 45	38 30
Arrive Columbia.....		29 45	20 50
Arrive Augusta.....		33 45	23 55
Arrive Savannah.....		35 30	24 40
Arrive Jacksonville.....		43 40	39 25
Arrive Tampa.....		55 35	48 25

The hours in transit in the foregoing table are figured from the time of departure from New York. It will be noted that the morning dispatch from New York and Washington did not connect for points in the direction of Montgomery and New Orleans, but did connect for other destinations mentioned in your letter. As will be seen, train 35, leaving New York at 4.30 p. m., was the only through and complete dispatch for all the offices enumerated by you. Train No. 11, due to leave Washington at 11 p. m., was a slow train, having a through connection for New Orleans and points beyond, but having no connection for the intermediate offices and sections to which reference is made by your letter. This train was doubtless put on by the railroad company to relieve the 10.45 p. m. train of local business, thereby enabling train 35 to make much faster time. You will notice that both trains take up the 4.30 p. m. connection from New York, and that train No. 11 was due to leave Washington only seventeen minutes after train 35, but that train 11 did not reach New Orleans for nine hours and ten minutes after the preceding train, which left Washington seventeen minutes earlier.

The foregoing schedule and explanation shows the condition of the service between New York and New Orleans on February 1, 1893, as you desire, and I will now detail the present service between the same points, to complete the information called for in the first paragraph of your inquiry.

The present service as operated under the "special facilities" appropriation is as follows:

	No. 35.	No. 37.
	a. m.	p. m.
Leave New York.....	4 30	4 30
Leave Washington.....	11 15	10 43
	h. m.	h. m.
Arrive Danville.....	13 25	13 10
Arrive Greensboro.....	15 02	14 35
Arrive Charlotte.....	17 30	16 55
Arrive Atlanta.....	23 40	24 25
Arrive Montgomery.....	28 20	28 50
Arrive Mobile.....	35 15	34 35
Arrive New Orleans.....	29 40	29 10
Arrive Houston.....	52 25	54 00
Arrive San Antonio.....	59 55	62 55
Arrive Asheville.....	19 42	21 55
Arrive Knoxville.....	23 30	21 55
Arrive Chattanooga.....	27 25	25 15
Arrive Birmingham.....	32 20	29 35
Arrive Memphis.....	38 40	38 40
Arrive Columbia.....	21 07	20 20
Arrive Augusta.....	27 15	24 45
Arrive Savannah.....	24 50	25 05
Arrive Jacksonville.....	28 45	28 55
Arrive Tampa.....	40 40	41 55

From the above it will be noticed that there are two through direct services by trains 35 and 37 between New York, N. Y., and the destinations mentioned. There was no through connection for New Orleans, La., for mails dispatched from New York and Washington in the morning under the old schedule of trains, the through service being practically but once daily, as the morning dispatch from New York and Washington, being a slow train, was overtaken en route by the train leaving New York at 4.30 p. m., so that for all practical purposes of through service to New Orleans and beyond the 4.30 p. m. was the only train. A comparison of the figures indicating transit time by trains 35 and 37 with trains 9 and 37 of the 1893 schedule will show at a glance the great improvement which has been secured through the adoption of the present schedule by train 35. In fine, the service by train 35 is an entirely new and improved train which was not operated in any sense in 1893.

"Second. Since the establishment of the fast mail service, beginning July 1, 1893, have the schedules of diverging lines from junctional points with the main line between Washington and New Orleans been changed to conform to the schedules of the fast mail trains in order to expedite the delivery of the mails to the interior of the Southern States?"

Second. The schedules of lines connecting the Washington and New Orleans R. P. O. system have very generally been made to conform to the latter, so that all important lateral connections are made for the interior of the Southern States.

"Third. Have the roads receiving this extra compensation reduced the running time of their trains between the main points by doing away with the local stops for passengers? If so, how have such roads provided for the local business? Have they put on additional trains for this purpose?"

Third. It is not possible to say exactly how far the schedule of the Washington and New Orleans R. P. O. has been expedited by cutting out the local stops, etc., but by reason of the fact that a third train is operated the whole distance from Washington to New Orleans, which was not the case in 1893, it is fair to conclude that local passenger traffic is provided for by the third train, thereby relieving the principal mail trains of the local stops.

"Fourth. Did the Southern Railway Company, or rather at that time the Richmond and Danville Railroad Company, operate a train from Washington on February 1, 1893, to points in the South after the arrival of the fast mail which left New York at 4.30 a. m.? If not, do they operate such a train? And if so, does its operation expedite the delivery of the mails from New England as well as from western New York and Pennsylvania to Southern and Southwestern points?"

Fourth. There was no train operated on the Washington and New Orleans route in February, 1893, which took up the connection at Washington from the New York and Washington "fast mail," railway post-office, leaving New York 4.30 a. m. Train 35, hereinbefore described, however, does make the connection referred to, and it is fact beyond question that the mails are very greatly expedited thereby, as the figures showing transit time by train 9 in 1893, compared with the present train 35, fully indicate. The mails affected are those from New England, New York State, and Pennsylvania for Southern and Southwestern destinations.

"Fifth. To what extent does the Post-Office Department assume control over the schedules of the Southern Railway Company and connecting lines on the through mail trains on account of payment of this extra compensation? In other words, can the railway companies change the departing and arriving time of such trains without the consent of the Post-Office Department?"

Fifth. Railroad companies receiving extra compensation out of the "special facilities" appropriation are required to furnish a schedule satisfactory to the Department, and the arriving and departing time so fixed can not be changed except by consent of the Department.

"Sixth. Does the Department, in awarding this special appropriation to the companies, stipulate in the award the number of trains that shall be run daily? If so, how many?"

Sixth. In the application of the appropriation for "special facilities" in the transmission of the mails the Department stipulates the train or trains which it is intended shall be operated, but generally the stipulation is confined to the train moving in the direction most urgently needed with a companion return train; the latter, however, is not, as a rule, required to be a specially high-speed train; the postal needs in each case differ more or less, and hence there is no general rule, so to speak.

"Seventh. In your opinion has not the mail service between Washington and Atlanta and New Orleans and other Southern and Southwestern points been materially improved and the delivery quickened since the passage of the act in March, 1893, making the appropriation for necessary and special facilities?"

Seventh. I am clearly of the opinion that the service between Washington, D. C., Atlanta, Ga., and New Orleans, La., and other Southern and Southwestern territory have been very materially improved and the delivery of the mails expedited since March, 1893.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Hon. CLAUDE A. SWANSON,
House of Representatives, Washington, D. C.

Mr. PRITCHARD. It was contended on yesterday that the railroads incurred no additional expense in order to put in operation these special mail facilities for the South. Now, in answer to that proposition I shall read the following letter written by Mr. F. S. Gannon, third vice-president and general manager of the Southern Railway Company, to Hon. J. H. BANKHEAD, House of Representatives, dated January 25, 1901:

SOUTHERN RAILWAY COMPANY,
OFFICE OF THIRD VICE-PRESIDENT AND GENERAL MANAGER,
Washington, D. C., January 25, 1901.

DEAR SIR: We have just completed arrangements to run train 33, leaving here at 9.55 p. m., in two sections from Washington to Lynchburg and to extend the train from Charlotte to Atlanta in order to insure making time with the Southwestern Limited, which we found unable to carry the additional post-office car ordered by the Department run on the Southwestern Limited leaving here 10.45 p. m. We have to take the baggage and express car off of the Southwestern Limited to make room for the additional mail car. This would not be necessary but for the obligation to make the fast time with the Southwestern Limited.

If there is anything else that I can do for you in this connection, please command me. Colonel Andrews will be here Sunday night and Monday.

Yours, very truly,

F. S. GANNON.

Hon. J. H. BANKHEAD,
House of Representatives, Washington.

Mr. President, here is the additional expense of operating another train, separate and distinct, in order to accommodate the people in the section in which I live. I simply put this letter in the RECORD in order that we may understand the question with

respect to the amount of additional expense the railroad is required to incur in order to give this facility.

The people of the South are almost unanimously in favor of this proposition. The Boards of Trade at Winston, N. C., at Raleigh, N. C., the Asheville Board of Trade, the Board of Trade at Knoxville, Tenn., and, I understand, the legislature of the State of Tennessee have all joined in requesting this appropriation.

It is not my purpose, Mr. President, to take up the time of the Senate any longer. I simply desire that the Senate may be in possession of the facts before it acts upon this question. I demand it on behalf of the people whom I have the honor in part to represent. I have lived in that section of country and I understood the conditions which existed before we obtained these facilities; I live there to-day, and I understand the great advantages that the people of my section enjoy in consequence of the fast mail service, and I for one feel impelled to do everything I can to secure a continuance of this appropriation.

Mr. ELKINS. Mr. President, I favor fast mails to the South, and do not think it is a fair division of the amount appropriated by the Government to carry the mails to take from the South this item of \$175,000. That is about all the southeastern section gets in this bill in the way of fast mails, while New England, the middle West, and the Atlantic coast get about two-thirds of the \$39,000,000 that is carried in this bill for Railway Mail Service.

Mr. JONES of Arkansas. How much?

Mr. ELKINS. Thirty-nine million dollars. These sections I have just named outside of the South get in this bill two-thirds of the \$39,000,000 already appropriated in this bill, and yet many Senators are opposing the South getting this \$175,000.

There is the beginning of great prosperity in the South. All the Southern States through which the Alleghany Range of mountains runs are opening new enterprises; factories are being established, coal and iron mines opened, iron furnaces being built, population and business of all kinds increasing, and mail facilities should be increased accordingly. Take, for example, Georgia, Alabama, Tennessee, and Kentucky. The railway mail pay carried in this bill, amounting to about \$39,000,000, was voted for by a large majority of the Senate.

Mr. JONES of Arkansas. Will the Senator allow me to make a suggestion in that connection?

Mr. ELKINS. Yes, sir.

Mr. JONES of Arkansas. We had the statement of the Senator from Georgia [Mr. BACON] on yesterday, who is in favor of this subsidy, that not a man in Georgia gets one single cent of this appropriation, but that it goes to a lot of stockholders in New York, or somewhere else, who do not live in the South.

Mr. BACON. We receive the full benefit of it in the more expeditious and improved mail service. We do not receive any of the money, and do not want any of it. The mail service is what we are after.

Mr. ELKINS. It does not matter who gets the money for mail transportation, the people of the South get the quick mail and better facilities. The South generally gets the benefit of this appropriation by having fast trains carrying the mail, and the business men get the advantage of it. Fast mails are an essential factor in progress, development, and increased business. The fast mails are a great benefit, one that spreads all over the South, and I am unwilling to stand here and vote \$39,000,000 to other sections and take this fast mail from the South by striking out this \$175,000 appropriation. I do not see why there should be this discrimination against the South, which is making such rapid progress and business strides.

As I stated, Mr. President, the South is opening up in a business way. There is a greater prosperity coming to it than ever was known before, and one of the factors in this splendid development is fast mail—quick communication. Baltimore is the great Southern city, and fast communication is needed between it and all the South Atlantic States. I admit this particular item does not benefit the Southern States beyond the Mississippi River, especially Texas and Arkansas. It is not fair to divide the mail pay in the way proposed. It ought not to be done.

The sections which I have named—New England, the Atlantic coast, the Middle West—receive most of the \$39,000,000 carried on this bill for Railway Mail Service. The people of these sections are surfeited with mails. In some States there are ten mails a day, one every business hour, while the South gets a fast mail perhaps once in twelve hours.

The South needs the encouragement and aid extended by the General Government to other sections. The Southern people have suffered losses following the great civil war such as have come to few peoples in all history. We should be both just and generous so far as we can under the law and the Constitution.

Mr. CHILTON. Mr. President, this particular proposition has been loudly vaunted here as a benefit to the South. I happen to represent in part one of the States in the South, and one of the States that is supposed to receive certain benefits from this subsidy through the enhanced mail facilities which it will bring

about. It is my purpose, sir, not to vote for this proposition, and I wish briefly to state my reasons for my vote.

Mr. President, a parallel has been drawn between this proposition and the ship-subsidy bill, and it has been attempted to draw a distinction between the two. It all depends upon the real nature of the two propositions. It is very clear that if this particular appropriation will facilitate the mail service of the United States Government and Senators vote for it in good faith, for that reason, then they will be acting in entire conformity to sound constitutional principles, because it is undoubtedly within the duty and jurisdiction of the National Government to expedite the mails for all the people of this country.

Mr. President, the very same reasoning would apply to the shipping bill. All through the shipping bill there is interwoven with the proposition to subsidize fast steamers the idea that it is done to expedite the mail communication between this country and foreign countries; and one section of that bill—one of the most important sections—goes on to provide that these steamships shall be required to convey the mails of the United States Government. Therefore a Senator who would vote for the shipping bill upon the real reason that he believed it would expedite our mail communication with foreign countries would be equally as justifiable in voting for it as any Senator who votes for the mail subsidy to the Southern Railroad. There would be no difference between them in principle.

For myself, I am convinced that the mail facilities which the people of the South enjoy through this special appropriation would be equally enjoyed under the general law if the appropriation was withheld. It seems to me that the reports of the Post-Office Department show with practical certainty that the special appropriations which are provided for in this section of the bill are not necessary to produce fast-mail service in the Southern States.

We must commit to our postal authorities a certain degree of judgment in dealing with these questions. They are technically familiar with all the surroundings; and if we can not commit to them a fair and generous discretion in dealing with the subject it seems to me the whole system upon which the compensation for our mail carrying is predicated is wrong.

Sir, the very first thing that would arrest my attention and my doubt in regard to this appropriation would be the fact that one particular railroad or one particular set of cities, or two railroads or two sets of cities, are singled out to receive the alleged benefit of a special service.

If you are going into this field, why not provide for special mail facilities between Washington and Louisville? Why not provide for special mail trains for the railroad that runs from St. Louis down into Texas, via Little Rock, Texarkana, and other places? Is it true that any particular section of this country is more entitled to extraordinary mail facilities than any other? Surely not. Or is it true that any particular section of the South is more at the mercy of railroad companies in regard to its mail facilities than any other? No, sir. Experience shows us that in the last eight or ten years there has been a shortening of time on railroads all through this country, and especially in the South.

I can remember, ten years ago, when the St. Louis papers were received in my State of Texas at least thirty-six hours after they were published, and now, sir, the St. Louis morning papers of one day are received there before breakfast time next morning. That expedition of mail transportation has taken place in the last nine or ten years, and it has taken place without the extraordinary aid of any mail subsidy.

Now, sir, why should we single out two particular lines in this country and undertake to subsidize them? The very fact that it is thought necessary to do it is an argument to show that it is a matter which ought to be closely inspected. I do not believe we ought to undertake to determine the question of expediting the mails by special enactment. If we want to do it, let us go through the whole country. Let us take the section that is tributary to the Atlantic Coast Line, let us take the section that is tributary to the Chesapeake and Ohio, to the Baltimore and Ohio, to the Iron Mountain, to the Louisville and Nashville, to the Mississippi Valley, and all those great lines which thread the Southern country, and let us give special mail facilities to the people who are tributary to all those lines. There is no reason why any particular part of the population should be marked for special privileges. If there were no other reason to object to it, the giving of special facilities to a particular part of the population would be reason enough to reject it. If the special-subsidy policy is right Congress would be forced in justice to take up the never-ending task here of picking out particular roads and particular sections and undertaking to give them special facilities.

It has been said by the Post-Office Department that the mail subsidy under consideration is unnecessary. That conclusion is contested here; but let us, by actual experiment, try the question. Let us see if, by the withdrawal of this special subsidy, the people of the South will be deprived of mail facilities. I do not believe

they will be. I can very readily understand that nine or ten years ago these fast trains may not have been run, but to-day in order to meet the competition of rival railroad systems it will be just as necessary for the Southern Railroad to run this fast train when this subsidy is withdrawn as it is now with the subsidy in full force. Let us make an amendment to this appropriation bill which will confer a clear discretion upon the Postmaster-General and let him investigate the subject, and if he believes that it is indispensable to the further continuance of this so-called fast-mail train to expend the money, let him do it. But let us abandon the policy of putting a provision in our appropriation bill which he construes and has construed for the last few years as a direction to him to make these contracts annually with these railroad companies.

Mr. President, I have simply undertaken briefly to give my own reasons for opposition to the subsidy. First, I think a special appropriation for particular railroad lines is bad. With a sound discretion clearly conferred, the Post-Office Department can be trusted so to manage this matter that the people of the South will not be deprived of any substantial mail facilities. In the second place, I do not believe, from the testimony which has been produced here, that there is any real expedition of the mails through this appropriation.

Mr. CAFFERY. Mr. President, several Senators discussing this question have found a similarity between the subsidy granted to expedite the mails over certain lines running from New York South and the subsidy to ships. It would be, if that were the case, somewhat appropriate that I should at this very opportune moment finish the remarks which I began to make some time ago upon the ship-subsidy bill. But I will leave that subject for some other occasion, when I hope to finish my broken-up speech.

There is a very marked similarity between the subsidy proposed to be given in this appropriation bill and the subsidy proposed to be given in the ship-subsidy bill. If it could be made to appear that the subsidy proposed to be given in the pending bill were for a good consideration, and that the public mails would be expedited thereby and business advanced, no one could interpose an objection. Congress has power to establish post-offices and post-routes, and has power incidental to that power, of course, to expedite the mails, and the whole question is whether or not the \$171,000 proposed to be given as a bonus or as extra compensation beyond the ordinary mail pay is or is not needed.

Mr. President, ever since 1891 the Postmasters-General have declined to approve of this particular subsidy; but time after time, as this bill comes up, an appropriation is voted for, and the Postmaster-General says that while the appropriation is condemned by the Post-Office Department, yet this constant appropriation by Congress constrains him to pay it, in the teeth of the declaration in the appropriation bills that the Postmaster-General has it in his discretion to withhold the pay if the subsidy is not needed.

There was appointed last year a post-office commission, and that commission has reported against this particular subsidy. There were hearings before the commission, and the Second Assistant Postmaster-General, as well as the Superintendent of the Railway Mail Service, appeared and gave their testimony as to whether or not this subsidy was desired—whether or not the public service demanded it—and they both said that the public service did not demand this subsidy; that the mails could be carried as quickly and with as much dispatch by unsubsidized railroads as by the railroads subsidized. Before that commission the Postmaster-General was a witness. He was asked a question by Mr. CHANDLER, which I will read:

The strongest argument that was made in Congress against the Southern fast-mail appropriation was that by which they showed that other trains came in very near on the same time, perhaps an hour or an hour and a half later; therefore it was assumed that that subsidy did no good. The answer to that was made that these trains that almost equaled in speed the fast mail trains did it in order to carry passengers as rapidly as those trains did and to compete with them, and if the fast mail trains were not stimulated by a subsidy all the trains would run back several hours in speed throughout the South. Was that argument a good one or not? What trains would fall back in speed if one were not specially stimulated?

Mr. JONES of Arkansas. That is the question.

Mr. CAFFERY. Yes, sir; the answer is:

A. That would remain to be seen. Some might. We do not think so, but we might be deceived.

Q. You have stated the case very fairly. It is a matter of opinion. But is there any doubt at all that, having established this one fast-mail route throughout the South to New Orleans, carrying passengers, all the other roads would try to make as good time as that, so as to carry passengers into New Orleans at the same time?

A. Yes; that is likely.

Q. Now, if you dispense with this special fund and stimulus, there will only remain competition between the railroads, none of them being specially stimulated; and yet you don't think that would lessen the time for mail and passenger transportation?

A. Not to an extent that would seriously cripple our service.

Q. How much time would it lessen the service between Washington and New Orleans?

A. I am of the opinion that it need not lessen it appreciably.

Q. Would the mail train go just as fast?

A. We assume that it would, substantially.

Mr. President, there is abundant testimony on the same point throughout this hearing. Those in charge of our Railway Mail Service, without exception, say that this subsidy of \$171,000 is not needed to expedite the mails south from New York. I would inquire to what source we must seek for information on this subject. Is it from the resolutions of boards of trade? Is it from the so-called expressions of opinion by the people? I rather think not. There never was a subsidy that was let go of without a great strain. There never has been a gratuity granted by the Federal Government to any class of people which they did not find abundant reasons to hold. You may take, from the commencement of the Government down to this day, all the various expedients to subsidize steamships and railroads, expedients to stimulate agriculture, and there is not one of the beneficiaries of the subsidies that has not complained wofully against their being taken off, notwithstanding the fact was transparent that the subsidies were not needed.

The Senator from West Virginia has told us that the South gets nothing but the \$171,000 for its mail service, and the North and the West and the East get \$39,000,000. He seems to take it for granted that the South gets no other benefit from the transportation of the mails than the \$171,000. Is that so, Mr. President? These very roads that are subsidized or proposed to be subsidized by this grant of \$171,000 get over \$1,700,000 for transporting the mails over the same line. The \$171,000 is in addition to the \$1,700,000 given to these roads for ordinary mail pay.

Mr. BATE. On that point I should like to state that it appears from the report of the Post-Office Department that they receive \$1,825,706.89 every year.

Mr. CAFFERY. I am speaking of annual appropriations.

Mr. BATE. Yes. It is \$1,800,000.

Mr. VEST. I should like to ask the Senator from Louisiana a question, if he pleases.

Mr. CAFFERY. Certainly.

Mr. VEST. I understand the Senator to admit that if this fast train facilitates in point of time the transmission of the mails the appropriation is justifiable.

Mr. CAFFERY. I do not quite make that admission.

Mr. VEST. Well; substantially that.

Mr. CAFFERY. I say if the mail delivery is so expedited as to be of indispensable service—that is what I meant to say—to the people, the subsidy would be justifiable.

Mr. VEST. With great respect, I object to the word "indispensable." It is a very nebulous and vague word.

Mr. CAFFERY. That is my word. The Senator has every privilege to object to it.

Mr. VEST. I think the Senator from Louisiana will agree with me that any service which facilitates communication between different parts of the country through the mail ought to be encouraged, and that the Government ought to furnish it. We come down here to a point of fact, and I think we agree as to principle. I would not vote for any subsidy any more than he would. But the Senator from North Carolina stated here on his own personal veracity that he received at the town in which he lives in North Carolina before the mail train was established for which we are paying \$171,000 the Washington Post two days after it was mailed in Washington, and that by this train he now receives it the next morning at his breakfast table. Of course, that applies to all mail matter.

Mr. CHILTON. That was eight or ten years ago.

Mr. VEST. I ask the Senator to consider that statement, as compared with the vague testimony of the Postmaster-General, or the official from whom the Senator quoted, who says, "I assume that substantially the time will be the same." He ought not to assume anything. He ought to know; and before Senators are charged with voting for a subsidy, whose lifelong course publicly has been the other way, we ought to have something more than assumption on the part of officials.

Mr. CAFFERY. Taking the case that the Senator from North Carolina put before the Senate, it occurs to me that the reason why he receives the morning Post earlier than he did in 1893 is quite patent. Railroads have advanced. The testimony given in the hearing was that there was hardly a railroad in the United States which had not quickened its time, and do gentlemen from the South come before the Senate of the United States and plead that their country is a laggard in the industrial progress of the times?

The Senator from West Virginia claimed in his plea of subsidy that the South was advancing with wonderful strides; her furnaces were being increased; her transportation facilities were being augmented; in every line there was a boom that had struck this country, felt and manifested in the South; and so, Mr. President, this expedition of the mails is not due to the subsidy at all. It is due to the progress of the country generally, of which the railroads have felt their share.

Mr. RAWLINS. Will the Senator from Louisiana permit me at this point?

Mr. CAFFERY. Certainly.

Mr. RAWLINS. The railroad lines from New York to Salt Lake City, in my State, without any subsidy during the past five years, have expedited the mails twelve hours, making a reduction of one-fourth of the time within five years.

Mr. CAFFERY. Yes. There is hardly a road in the United States of which the same can not be said. The roads that run out from Chicago to New Orleans are unsubsidized. They make fully as fast time as this subsidized railroad. The Chesapeake and Ohio running into New Orleans makes quite as good time. It is not by reason of the subsidy. It is simply by reason of the progress of industrial mechanism as applied to railroads. That is all there is in it. It is idle to cite what was done in 1893. We want to know what is done now, and what is done now is that every railroad in the United States delivers mails faster to-day without subsidy than it did in 1893, or at the period when this subsidy business was first entered upon. Here is a list of the railroads given in this testimony—railroads running out from Chicago in every direction, railroads running out from New York in every direction, railroads running to and from New Orleans in every direction—and all of those roads have advanced in their speeds, and therefore have advanced in their capacity for carrying fast mails.

Mr. President, with me it is simply a question of fact. I grant the postulate of the Senator from Missouri, that if the delivery of mails could be encompassed without a special compensation, if the business interests of a large section of the country would suffer by reason of slower mail, then I say perhaps a subsidy would be justifiable, but that has not been proved here. The proponents of this scheme must show that by reason of the subsidy the dispatch of mail has been advanced, and that if the subsidy is taken away as fast service will not be obtained. The testimony is all the other way. I have not had time to examine these hearings especially, but I will take a sample of what was done in 1893 with this same No. 35 train, which was then unsubsidized, and what is done now with this same train subsidized, and here are the figures:

New York to—	1893, No. 35, unsubsidized.	1898, No. 35, subsidized.	Difference.
	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>
Washington	6 13	6 45	+0 32
Danville	13 0	13 25	+0 25
Greensboro	14 25	15 02	+0 37
Charlotte	16 55	17 30	+0 35
Atlanta	24 25	23 40	—0 45
Montgomery	28 20	28 20	0
Mobile	34 45	35 15	+0 30
New Orleans	39 05	39 40	+0 35

New York to Washington, unsubsidized in 1893, six hours and thirteen minutes; subsidized, six hours and forty-five minutes. The subsidy makes the train go slower. New York to Danville, thirteen hours, unsubsidized; subsidized, thirteen hours and twenty-five minutes. New York to Greensboro, fourteen hours and twenty-five minutes, unsubsidized; fifteen hours and two minutes, subsidized. New York to Charlotte, unsubsidized, sixteen hours and fifty-five minutes; subsidized, seventeen hours and thirty minutes.

Mr. CHILTON. If I understand it, those figures mark the time of that train before the subsidy was granted and after the subsidy was granted in 1893 and 1898, respectively. Is that correct?

Mr. CAFFERY. This is for the same train that ran in 1893 unsubsidized and in 1898 subsidized.

Mr. CHILTON. That is not so much progress as the railroads have made all through my country in that time without any subsidy.

Mr. CAFFERY. No, sir. New York to Atlanta, unsubsidized, twenty-four hours and twenty-five minutes; subsidized, twenty-three hours and forty minutes.

Mr. TILLMAN. What is the Senator reading from?

Mr. CAFFERY. I am reading an extract from the report of the Postmaster-General.

Mr. TILLMAN. For what year?

Mr. CAFFERY. It is contained in the speech of Mr. BROWELL, of the House, delivered on the 7th of this month.

Mr. MALLORY. What is the date of the report?

Mr. CAFFERY. This speech was made on the 7th of February.

Mr. TILLMAN. What is the date of the report of the Postmaster-General?

Mr. MALLORY. What is the date of the report?

Mr. CAFFERY. I have not found what date that is.

Mr. MONEY. I think the Senator, upon investigation, will find that he is mistaken as to the time. I think he will find that it is only eighteen hours now to Atlanta.

Mr. CAFFERY. This is a comparison between 1893 and 1898.

Mr. MONEY. In 1898 it was eighteen hours.

Mr. ALLEN. I should like to ask the Senator from Louisiana a question, with his permission.

Mr. CAFFERY. Certainly.

Mr. ALLEN. The table from which the Senator reads, I understand, is simply a comparison of trains between certain points?

Mr. CAFFERY. It is a comparison between two trains, one subsidized and the other not.

Mr. ALLEN. Between two trains?

Mr. CAFFERY. Between New York and New Orleans.

Mr. ALLEN. Does that take into consideration the whole arrangement or system of special and fast mail facilities? For instance, as I understand, the running of a train from New York to New Orleans may be a small part of the necessary arrangement for the rapid delivery of the mail.

Mr. CAFFERY. From New York to New Orleans is the subsidized road.

Mr. ALLEN. Very well. Now, that is a subsidized road.

Mr. CAFFERY. No other road is subsidized except the one from Kansas City to Newton.

Mr. ALLEN. But does this take into consideration all those arrangements necessary for the rapid delivery of the mails? For instance, the mere running of a train on a schedule of time between New York and New Orleans may be a very inferior part of the whole system of the rapid and constant delivery of mails through the section of the country through which the roads run. Does this table take that into consideration?

Mr. CAFFERY. I do not exactly understand the Senator, but of course the mails are delivered just after the train arrives at its destination, and the point of time at which the train arrives will very nearly gauge the point of time at which the mails are delivered.

Mr. ALLEN. For instance, the running of extra trains.

Mr. CAFFERY. Yes, sir. Let me go on with this. From New York to Montgomery, unsubsidized, twenty-eight hours and twenty minutes; subsidized, twenty-eight hours and twenty minutes, the same exactly. Mobile, the unsubsidized, thirty-four hours forty-five minutes; the subsidized, thirty-five hours fifteen minutes, falling behind. New Orleans, the unsubsidized, thirty-nine hours five minutes; the subsidized, thirty-nine hours forty minutes.

Mr. MALLORY. I will state to the Senator that that is much reduced now.

Mr. CAFFERY. It is lessened.

Mr. MALLORY. Yes.

Mr. CAFFERY. But that showed the operation of the subsidy at that period, there being a difference of only thirty-five minutes between the subsidized and the unsubsidized train from New York to New Orleans by this comparison. Southern, 1893 and 1898, the subsidized train in 1898 making only thirty-five minutes faster time than the unsubsidized train of 1893.

Now, Mr. President, the South is not without competing lines. This subsidized line is not the only line entering into the city of New Orleans. There is the Chesapeake and Ohio and the Queen and Crescent system. I will read now the time schedule of the departure and arrival from New York to New Orleans of the subsidized line and the Baltimore and Ohio, for instance. I will further institute a comparison between the two trains of the subsidized line. The first comparison is between the subsidized route and the unsubsidized route from New York to New Orleans.

The subsidized train leaves New York at 12.10 a. m., and it arrives in New Orleans at 8.30 p. m., running forty-four hours and twenty minutes.

The Baltimore and Ohio leaves New York at 8.55 a. m. and reaches New Orleans at 5.57 p. m. The time is forty-five hours and two minutes. So the subsidized train arrives in New Orleans from New York at 8.30 p. m. in forty-four hours and twenty minutes, at a time when the mail can not be delivered very well. The unsubsidized train of a different line reaches there at 5.57 a. m., with a difference of less than an hour, at a time when the mail can not be delivered, being practically the same service.

The subsidized train on this route leaves New York, as I stated, at 12.10 a. m. and arrives at New Orleans at 8.30 p. m., in forty-four hours and twenty minutes. What does the unsubsidized train of the same line do? It leaves New York at 4.25 p. m. and arrives in New Orleans at 7.30 a. m., in thirty-nine hours and five minutes, nearly four hours faster than the subsidized train.

Now, why is it that the unsubsidized train of the same line arrives in New Orleans about four hours before the subsidized train of the same line? It is idle to say that because one is a mail train and the other is a mere fast passenger train that accounts for the difference, because the mail can be carried as well upon the fast express train as it can be carried upon the special mail train.

Mr. President, unless it is shown to me that this subsidy is an indispensable thing for the cities on the route of the subsidized train, I shall be constrained to oppose the subsidy. I do not arraign anybody for entertaining different views. If Senators convince themselves that their particular section is under a great necessity of having this subsidy, I can not quarrel with their opinion and belief; but looking at it from my standpoint, I can not see

anything at all in the evidence to show me that this subsidy is an absolutely indispensable grant to the railroads in order to enable them to make faster time and to deliver the mails, therefore, quicker.

The Postmaster-General says that the subsidies act as a deterrent upon other roads in the matter of competition. They do not want to take the mails for any less than the subsidized trains can get, not because they can not do it, but out of a hope, I suppose, that they themselves might get a subsidy. The competition between railroad lines where they practically parallel one another is sufficient to give the Government good and satisfactory service nearly all over the United States, if not quite, without the aid of a subsidy.

I say, Mr. President, those who claim the subsidy must first show by indisputable facts that the subsidy is absolutely necessary for the proper carriage of the mails. I can not find anything to bear out that proposition, and therefore it is that I am constrained, as I said before, to oppose this subsidy measure.

Mr. McENERY. Mr. President, I do not think there ought to be the least hesitation in giving the people increased mail facilities from the city of Washington to the city of New Orleans and through the States of Texas, Arkansas, and Mississippi. This extra mail train, which affords facilities to the people from the city of Washington along the route of the railroad, does not stop at any of the places along that route. There are trains running in different directions which carry the mail to people in adjacent communities. Arriving at Montgomery, it sends its mail out in every direction from that city, and the same from Mobile; and when it arrives at New Orleans it connects with the Southern Pacific and the Texas Pacific and sends the mail through Texas, through north Louisiana, and through southwest Louisiana. These mails are delivered twelve hours in advance.

Now, the question is, Do the people require the increased facilities, and is it within the province of the Government to grant them?

Mr. President, the people who live in the sections of country which are benefited by this fast mail train are patriotic people. They are intelligent people. They are just as much interested in the welfare of the Government as the people of Tennessee, of Arkansas, of Utah, of New England, or any other portion of this country. They are interested in the economical administration of the Government, and they will not come to Congress and ask for extravagant appropriations.

It is said, Mr. President, that this special or extra railroad train would be run without this appropriation by Congress. The presumption is against it; first, because the people demand it, and they would not demand it if they could get this train without extra cost. The presumption is that they could not get it, because Congress has made an appropriation for the last ten or twelve years back, and the discretion which has been vested in the Postmaster-General has always been exercised on the theory that this extra train would not be granted without this appropriation by Congress.

Now, Mr. President, this appropriation has been called a subsidy, and that has frightened some Democrats from its support. I say that the whole post-office system is a subsidy. In other words, there is a direct appropriation of money by the Government for the benefit of the people. All over this country, in Utah, in Arkansas, in South Dakota, from every section of the country whence comes opposition to this appropriation, there are hundreds, there are thousands of mail routes which do not pay the Government. And yet, Mr. President, when you aggregate the amount it far exceeds this appropriation of \$170,000, and the population benefited is probably less than the vast population from Washington to El Paso and to the other communities which are benefited by this extra mail.

Mr. President, I have been somewhat surprised at gentlemen on the other side of the Chamber, particularly the distinguished Senator from Colorado [Mr. WOLCOTT] who is chairman of the Committee on Post-Offices and Post-Roads, and has in charge this bill, by designating this appropriation as a subsidy pure and simple. It has been charged against the ship-subsidy bill, which that distinguished gentleman undoubtedly supports, that it is a bill in the interest of particular ports, of particular classes, and of particular ships; that it is an effort to loot the Treasury; that there are no resultant advantages, and that they are purely speculative. While I do not agree with these accusations, believing always that it is the duty of Congress to aid every interest when investment by the Government will bring return, this appropriation brings its return and it is a good investment, because it increases the commercial facilities of the country and brings every section of the country in closer connection with the others.

It is with a great deal of assumption that gentlemen who support the ship-subsidy bill can decry this appropriation and expect support from people who do believe that there is a duty on the part of the Government to give the people increased mail facilities,

to create content and happiness, and to make such an investment as will bring good returns.

Mr. President, I say again, this railroad is not asking for this appropriation. The people ask for it and not the railroad. They say if this appropriation is not granted they will be deprived of these facilities of mail service. They are entitled to it, as much so as the people in every section of the country who demand that they shall have their letters brought to their doors when they live 3 miles from the post-office, who demand that the weekly mail shall be changed into a daily mail, notwithstanding it brings additional expense to the Government. But yet it is an advantage to the Government, for the simple reason that it carries with these appropriations the means of disseminating intelligence.

Mr. JONES of Arkansas. Mr. President, in the last appropriation bill for this purpose this appropriation was made in the following words:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, \$171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, Mr. President, it seems to me that that provision in this paragraph places the responsibility of expending this money absolutely on the Postmaster-General; that he was bound to find that this expenditure was necessary before he could use one cent of the money. When the Postmaster-General was brought before the commission appointed to investigate this matter, he said, as we are informed all around, that it was not necessary; that the service would be better without it. Now, whether the statement was made by him or his Department, I do not understand how the Department can reconcile the statement made to the commission composed of Senators and Representatives who were investigating this question with the absolute requirement of this law. If the Postmaster-General makes the statement that he does not believe this appropriation is necessary, he stands a confessed violator of the law under this provision when he pays out one cent of money under it.

Mr. CAFFERY. Mr. President, will the Senator permit me a question?

Mr. JONES of Arkansas. Certainly.

Mr. CAFFERY. After the Postmasters-General have repeatedly declined to advise the subsidy of this line and Congress has repeatedly made the appropriation, I ask the Senator whether the appropriation does not nullify the proviso which gives the Postmaster-General the discretionary power to spend the money thus appropriated?

Mr. JONES of Arkansas. It does not; but in my opinion it absolutely emphasizes the prohibition put in the paragraph. Now, here are the facts: The Postmaster-General says this appropriation is not needed. Congress makes the appropriation with full knowledge of that, and puts a proviso in that it shall not be used unless the Postmaster-General believes it ought to be used, unless he thinks it is needed. When that is done with the full knowledge on the part of Congress that Postmaster-General after Postmaster-General has reported that it is not needed, naturally it would seem to me they put this proviso in the appropriation with a distinct purpose, with the distinct understanding, that he would himself take the responsibility of standing between the Treasury and this appropriation and prevent it from being used if it was not needed.

Mr. CAFFERY. Will my friend allow me one other question?

Mr. JONES of Arkansas. Certainly.

Mr. CAFFERY. Could not the Postmaster-General say with equal force that Congress itself ought to place an interdict against the appropriation for this purpose, and as it has not put the interdict against it and has repeatedly made the appropriation coupled with the same proviso, I ask the Senator whether the Postmaster-General could not easily construe the appropriation into a mandate of Congress to pay, notwithstanding the proviso?

Mr. JONES of Arkansas. Mr. President, he can put no such construction legitimately on the language of this statute. I believe—

Mr. MONEY. Mr. President—

Mr. JONES of Arkansas. In one minute. I believe that Congress ought to take the responsibility of saying whether or not this appropriation shall be made. I believe that Congress ought to take the whole responsibility and ought to say whether or not this appropriation shall be made. It is not an uncommon thing for Congress, when we propose to make an appropriation about which there is some doubt, to put the responsibility on the Secretary who is required to make the disbursement. We take the liberty of leaving the matter in his discretion, to be determined by him, upon the idea that he is more familiar with the facts in the case than we are, and we are willing to risk the discretion to him absolutely and not to exercise it ourselves. But while I believe we ought to take responsibility ourselves, whenever we do shift it to an executive officer he can not evade it by saying that the appropriation has been made heretofore; that it ought

not to have been made, but having been made heretofore he will assume that Congress intended that the money should be spent simply because they made the appropriation, notwithstanding the fact that the appropriation closes up with this provision, which comes after the appropriation, that he shall not spend the appropriation unless it is absolutely necessary. Now, I will yield to the Senator from Mississippi.

Mr. MONEY. I was about to ask the privilege to interrupt the Senator from Arkansas to answer the question of the Senator from Louisiana as to the responsibility of the Executive Department in carrying out the law making the appropriation.

I recollect very well that in 1885 we passed a law giving about \$500,000 a year to steamships for mail pay, the inland-sea postage not being sufficient to inaugurate certain lines that were intended to be established, and the Postmaster-General did not expend one single dollar of it, although it was not left to his discretion at all. I recollect also that President Cleveland, and I think President Harrison, refused to expend any money voted under the river and harbor bill. So it is a matter of Executive discretion it seems by practice, whether Congress devolves that discretion upon him or not. So in this case there is a double responsibility—first, as an Executive officer without instructions, and, second, as an Executive officer with instructions.

Mr. JONES of Arkansas. I am under obligation to the Senator from Mississippi for his statement, as it is clear and unanswerable. Without this provision I believe this discretion rests with the Department, and when they are satisfied there is no necessity for the expenditure of this money they ought not to spend it. We are not compelled to spend every dollar of money that is appropriated unless it is needed, and if the head of the Department conscientiously believes that a given appropriation is not needed, he ought not to spend it.

But here, in addition to that general duty which devolves upon the Postmaster-General by virtue of his high office, we have the further fact that this responsibility is absolutely shifted to him in words, and he can not expend this appropriation unless it is necessary that it shall be expended.

It does seem to me that this is the plain English of all of it. Congress wanted to evade a responsibility. Congress wanted to get rid of saying positively that this money should not be appropriated, and they thought the best way to avoid the appropriation and yet not say the money should not be spent was to shift the responsibility to the Postmaster-General and let him take the burden of saying that the money should not be used for that purpose.

I have the greatest respect for the present Postmaster-General. I have the greatest respect for the gentlemen who have occupied that position heretofore, and I am strongly inclined to think that this matter has not been called sharply to the attention of the present Postmaster-General. I am very much inclined to believe that if his attention had been called to this particular point in the provision he would not have allowed the money to have been spent.

Mr. WOLCOTT. Is the Senator willing that I should interrupt him?

Mr. JONES of Arkansas. Certainly.

Mr. WOLCOTT. I have here the testimony of the Second Assistant Postmaster-General, who was asked the direct question. Has the Senator the testimony before him where the Second Assistant Postmaster-General says that the expenditure is not, in the slightest degree, necessary?

Mr. JONES of Arkansas. No, sir.

Mr. WOLCOTT. He was then asked the direct question, "Why, then, do you spend this money?" "Because," he says, "the action of Congress, year after year, is a practical instruction to me that Congress believes the money should be expended."

Mr. JONES of Arkansas. But the point I was undertaking to make was that he had no right to infer any such thing in the face of the statute.

Mr. WOLCOTT. I agree with that.

Mr. JONES of Arkansas. I believe the way this provision came to go in here was, as I stated just now, an effort on the part of Congress to evade a responsibility in making an end of this expenditure, and knowing that the Postmaster-General believed it was not necessary, they thought that all they had to do was to couple with the appropriation which was put in the bill a provision that the money should not be used if in the opinion of the Postmaster-General it was not necessary.

Believing that he would exercise that discretion and would prevent the expenditure of this money, they let it go in the appropriation bill; and here we have had year after year an appropriation of money which has been characterized by the Senator from North Carolina [Mr. BUTLER] as an absolute gratuity to a lot of railroads, for which there is no justification on the face of the earth, in my judgment. It seems to me to be as absolutely indefensible an expenditure of public money as can be imagined.

Now, the only argument presented by the gentlemen who have been making arguments in favor of this appropriation is that this

service is necessary. But who is to determine whether the service is necessary or not. Who knows? A member of the Senate, who simply looks at this question from the reports made and from his knowledge of certain local affairs, where he has not given very close attention to the subject, or the great Department that is charged with the responsibility of disbursing this money and superintending this whole work?

It seems that there was some doubt in the minds of Senators and Members as to what course we should pursue on this and other important questions, and we appointed a commission consisting of four Senators and four members of the House, the chairmen of the two Committees on Post-Offices and Post-Roads, and other men who were eminent for their public service, for their information, for their familiarity with public affairs, and we have that commission reporting that this expenditure is not necessary. The Senator from Louisiana [Mr. CAFFERY] only a few moments ago said that the railroads do not ask for this appropriation. If the railroads do not ask for it and the Government does not want it, in the name of common sense what force is behind it to insist on this appropriation every year?

How is it that a majority of the Senate and of the House were induced to vote in favor of making an appropriation of this sort when its friends say the railroads do not ask it, and we all know the Department does not want it? There certainly must be something or other moving an appropriation of this kind. If this bill should pass in the exact language that it passed last year, I hope the present Postmaster-General will not permit another expenditure of money under it. He will be estopped from saying that it is not necessary when he pays the money out, as it seems to me, if he has fully looked into the case.

Mr. MALLORY. I should like to ask the Senator a question.

Mr. JONES of Arkansas. Certainly.

Mr. MALLORY. I wish to ask if it is a fact that the present Postmaster-General has said that this service is not necessary?

Mr. JONES of Arkansas. I do not know. I am not familiar with the testimony taken in this case. The Second Assistant Postmaster-General, who has immediate charge of this subject—I have only glanced hastily at the testimony taken by the commission—has so distinctly stated.

Mr. PETTIGREW. The present Postmaster-General has said that it was not necessary.

Mr. JONES of Arkansas. The Postmaster-General himself?

Mr. PETTIGREW. Yes.

Mr. JONES of Arkansas. I did not know about that. The statement made by the Second Assistant Postmaster-General is very strong, and the reasons given by him for it are very clear. It seems to me they are unanswerable. He was speaking for the Department as a whole. I do not know personally about what was done, but I want to read just a few lines of the examination of Mr. Shallenberger.

Mr. PETTIGREW. Will the Senator from Arkansas permit me to read an extract from the report of the Postmaster-General, which will answer the inquiry of the Senator from Florida [Mr. MALLORY]?

Mr. JONES of Arkansas. Certainly.

Mr. PETTIGREW. The Postmaster-General in his report of June 30, 1900, makes this statement:

In submitting the estimates for several years past this office has declined to include the item of "special facilities," for reasons heretofore stated, but notwithstanding appropriations have been made.

That is the present Postmaster-General. The year before his report contained the following:

In submitting the estimates for several years past this office has declined to include the item of "special facilities," for reasons heretofore stated, but appropriations have, however, been made.

So that every Postmaster-General since 1891 has recommended that this appropriation should not be made; and the reasons heretofore stated were read by me yesterday in the debate. The Postmasters-General say it hinders rather than facilitates the mail in the South, and that they would be better off without it.

Mr. JONES of Arkansas. I was just going to read a statement made by the Second Assistant Postmaster-General. He says:

But as I have said in my testimony before, looking the country over, and knowing the dissatisfaction it creates, we are prepared to say—

"We, of course, I suppose, stands for the Department. He was speaking for his chief as well as for himself—

that we think we can secure in general better service without the special facilities appropriation.

Mr. MOODY. Is not the matter discretionary with the Department, even after Congress makes the appropriation?

A. Well, the Department would have the power to withhold it, but, having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

Mr. CATCHINGS. I do not quite see why you should say that you could get better service without it than with it.

A. In this sense, that we could give due recognition to other roads, parallel roads especially, and divert from one to the other the volume of mail that we have to be transported, securing competition which we do not now find it possible to get.

There is a logical reason, and a sensible reason, which can not be avoided, in my opinion. I believe the statement made is true, that they would be far better off without the appropriation for this service. Mr. Shallenberger says:

The Department would have the power to withhold it; but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be used so long as it made.

That I regard as an absolute absurdity. Congress does not require an appropriation to be expended, as stated by the Senator from Mississippi, even where there is no proviso limiting the mode of expenditure. The responsibility should be, and is, with the Department, and the Department can not get rid of it. They should not use a dollar of the money appropriated unless it be needed for the public service.

But, in addition to that feature of the general law, here is a direct prohibition, in fact, that any of this money shall be used unless the Department believe the public service requires it. So that, in my opinion, the Department have failed to do their duty, and have been guilty of the grossest disregard of the law in the course they have pursued, according to their own statement that the use of the money is not necessary.

In the report of the postal commission the Senator from Colorado [Mr. WOLCOTT], the chairman, and the Senator from Iowa [Mr. ALLISON], also a member of the commission, reported directly against this provision and said it was unnecessary. The Senator from Virginia [Mr. MARTIN], another member of the commission, said:

I concur in the foregoing report of Mr. Moody, with the exception of so much thereof as might be held to refer to "special-facilities appropriations." These appropriations have not been made mandatory, but subject to the discretion of the Postmaster-General—

I believe that is correct—

No doubt he would discontinue the expenditure if the service now enjoyed by the communities in question could be secured without it. I can not unite in the recommendation that these appropriations be discontinued.

And yet we have the statement of the Postmaster-General that better service is obtained without the appropriation than with it. The only reason given by Senator MARTIN why he did not join with Senators WOLCOTT and ALLISON against granting the special mail facilities was that he presumed it was necessary to have the expenditure in order to get the service that was desired. We have the statement from the Post-Office Department itself that that is not the case. Hence, if he had understood this, the Senator from Virginia would naturally stand with the other Senators on this question. Another member of the committee—I do not remember just who it was—declared that he occupied about the same position.

Mr. President, this debate has proved to my satisfaction that there is no improvement as the result of this appropriation.

Mr. CLAY. Will the Senator allow me?

Mr. JONES of Arkansas. Certainly.

Mr. CLAY. I know the Senator from Arkansas wants to deal with this question fairly. He quoted from the Second Assistant Postmaster-General. I desire to read, in reply to the statement which has been made by the Senator from Arkansas, a letter written by the Second Assistant Postmaster-General, in which he says:

From the above it will be noticed that there are two through direct services by trains 35 and 37 between New York, N. Y., and the destinations mentioned. There was no through connection for New Orleans, La., for mails dispatched from New York and Washington in the morning under the old schedule of trains, the through service being practically but once daily, as the morning dispatch from New York and Washington, being by a slow train, was overtaken en route by the train leaving New York at 4.30 p. m., so that for all practical purposes of through service to New Orleans and beyond the 4.30 p. m. was the only train.

That is from the Second Assistant Postmaster-General himself; and so it appears that there are now two services where there was only one service before.

Mr. JONES of Arkansas. I infer that the Senator from Georgia thinks that whatever has happened since this appropriation was made is the result of the appropriation. I do not agree to that. I think the Senator from Louisiana [Mr. CAFFERY] showed the contrary, and he has completely answered that question.

There is not a railroad in the United States which is not running more fast trains now than when this appropriation was begun. They are having increased speed just as much on the roads not subsidized as on the roads which are subsidized, showing plainly that it is the natural result of the development of the railroad business and the natural result of the development of the business of the country which has brought about this additional speed. On the through railroads generally there has been a shortening of time by hours.

Mr. CLAY. With the Senator's permission, I desire to state that I did not say that the services that are given now would be discontinued. I do not know as to that, but I do know that previous to the time of this extra appropriation there was one fast train and there was one slow train that would stop at every town

between here and Atlanta. I do not know that after this appropriation was made two fast trains were placed on this line, and that the schedules of these two fast trains were fixed by the Government, and I do not know that since this appropriation has been made the mail facilities have been very much increased.

I can not say, for I do not know, what the railroad company may do, and neither does the Senator from Arkansas. I am not connected with it in any way whatever. I simply take the position that we have been benefited by reason of this appropriation.

Mr. JONES of Arkansas. I did not say anything about what the railroad company would do if this appropriation were not made, and I did not say that the Senator from Georgia said anything about it. What I did say was that the Senator from Georgia seemed to assume that whatever improvement there has been in the railway mail service has been the result of this appropriation. That I flatly deny. I say the improvement has been just as much on the railroads which have not received one dollar of subsidy as it has been on the roads where subsidy has been given. Hence I believe the Senator from North Carolina [Mr. PRITCHARD], who has made a speech in favor of the subsidy, was perfectly right when he characterized it as a gratuity. It is a gratuity. I believe it is a gift without consideration and without benefit, that it does nobody any good, that it is only that much money turned over to a certain railroad without any corresponding benefit to the public.

The Senator from Louisiana said that the railroads have not asked for this appropriation. I am certain that the Post-Office Department does not ask for it; on the contrary, it advises that the money shall not be appropriated. Somebody is in favor of it; somebody wants it done. The Senator from Georgia [Mr. BACON] says that not a dollar of it goes to the people of his State; but that they get benefit from it in the improved service. Somebody must get some benefit from this amount of money. The Senator from Georgia says that the people of his State get benefit from it on account of increased mail service. That I deny. The Railway Mail Service is not one whit better off by reason of the subsidy than it would be without it. The reason I say this is because if you will look abroad over the whole country you will see that other roads, which are not subsidized, are doing the same thing voluntarily which these roads do with a subsidy.

As the Senator from Louisiana just pointed out, the train running from Chicago to New Orleans runs as fast and takes letters as promptly to their destination as do these subsidized roads. The railroads running through my State have shortened the time, and the railroad which the Senator from Utah [Mr. RAWLINS] referred to just now has shortened the time to Salt Lake by twelve hours in the last few years. Will the Senator from Georgia say, because there has been an expenditure of \$171,000 a year to the Atlantic coast line, that therefore the mails have been expedited in the West?

Mr. CLAY. The Senator from Arkansas is mistaken. The Senator from Arkansas is not right in his history of this case. This appropriation is not for the Atlantic Coast Line.

Mr. JONES of Arkansas. Mr. President, let me correct the Senator. If I used the term "Atlantic coast line," I did not mean to refer to any special railroad by that name. I referred to the line that the Government subsidizes, and we all know what line that is. It runs parallel to the Atlantic coast.

Mr. CLAY. I will say to the Senator that in 1892 the Atlantic Coast Line was drawing an extra appropriation for special mail facilities of \$196,000 a year. The line then ran from Boston to Washington and from Washington to Savannah and Jacksonville. I want to say to the Senator that the Government fixed a schedule for this line, and that the schedule was so exacting for the Atlantic Coast Line that it declined to carry the fast mail, and then it was transferred to the present company.

Mr. JONES of Arkansas. I am very sorry that I alluded to the road as the Atlantic coast line. I did not happen to remember the names of the different lines that go down to New Orleans, but we all know the railroad that goes from here to New Orleans gets the money. That is the road I meant when I spoke in that way; and I beg the Senator's pardon for having inadvertently used the name of another railroad. The fact is, however, that that railroad is doing as good service now as it did when it received part of this appropriation; and no harm has come from the fact that it does not get the \$196,000 which it got before. That proves that the subsidy has made no difference in the service.

Mr. MONEY. Mr. President, I propose to address myself briefly to the question before the Senate, having had some little experience with it; in fact, I believe I was the beginner and author of this system of extra pay to the trunk lines for fast mail facilities, and I can say that what I did was done with the full support of the Post-Office Department.

I recollect in the beginning that the mails were slow all over the country, and it was deemed very necessary that they should be expedited. That the fast mail is a benefit to the country over slow mail is so obvious that it is unnecessary to argue it. Letters are

the *primordia rerum* of commerce. Without them business would lag. The fast mail was originally put on from Boston to Tampa, Fla. I thought it might be continued to Habana, and I myself had passed a bill which included that city in the domestic postal service of the United States, in order that the Postmaster-General might make a contract with somebody to put on a steamship service between Tampa city and the city of Habana. Under that provision the *Mascot* was built by the Plant Company, and afterwards the *Olivette*. The *Mascot* was later enlarged to meet the demands of the trade, which grew enormously from the very beginning.

The Atlantic Coast Line had this extra money or compensation for fast mail service for a number of years, but they afterwards declined to accept it any longer, not because, as was stated by the Senator from Arkansas [Mr. JONES], they were doing just as good work, but simply because they said they could not continue it for the reason that the pay was not sufficient to enable them to run their trains on the fast schedules and to make the time that was necessary and required by the Post-Office Department.

Before that happened, before that line gave up its contract and refused this bonus or this gratuity, or whatever you may choose to call this compensation for extra fast mail, I had prepared a very exhaustive statistical abstract of the towns on each side of the Atlantic Coast Line Railroad and the Southern Railroad—that is the road leaving here by way of Charlottesville, Lynchburg, Danville, Greensboro, Charlotte, Atlanta, Montgomery, and Mobile to New Orleans—and the showing was so clearly in favor of giving the contract to the Southern road that that was assented to without dissent by the Post-Office Committee.

The following year, I think it was, the Atlantic Coast Line gave up the contract or gave up the bonus. Now, it is safe to say that this road would not have voluntarily relinquished its share of \$136,000—it only amounted, really, to \$128,000—for nothing. It would never have given up that \$128,000 but for the fact that it could not afford to perform the service under the direction of the Post-Office Department.

I cite the fact, in answer to the question the Senator from Louisiana [Mr. CAFFERY] propounded to the Senator from Arkansas, that an officer in the Executive Department had repeatedly withheld the application of an appropriation of money for specific purposes. In the appropriation bill which passed in 1885, and which now comes within my recollection, the appropriation for the great ship subsidy was totally rejected by Mr. Vilas, the Postmaster-General under the Administration of Mr. Cleveland.

I say also there is a double responsibility resting upon an executive officer when he is instructed to use his discretion, notwithstanding that does not by any means mean that these officers are to do as they please in matters of this sort. It is competent for us to instruct them if we choose to do so, and it is competent to instruct them notwithstanding their opinion to the contrary; and I say that the testimony of the Second Assistant Postmaster-General—and I speak of him with great respect—is absolutely contradicted. If he can get better service without this money, why does he not do it? It is free to him. That he can divert any part of this amount that he chooses and distribute it in any way he chooses I have heard here this morning for the first time. He can pay this road this subsidy or this compensation for carrying the mail of \$128,000 a year; but if he finds that he can benefit the whole postal system of the United States and serve the people better by withdrawing the through mail, then he should do so, and he is delinquent in his duty if he does not do so.

The Senator from Texas [Mr. CHILTON] stated that a man who votes for a ship-subsidy proposition was about on the same plane with the man who votes for this railroad subsidy. I beg leave to point out a difference in these things, which it should have been unnecessary to point out to so intelligent a mind as that of the Senator from Texas. The proposition of the ship subsidy is to pay a bonus, a bounty, to ships working for themselves and not working for the Government. The proposition that part of the subsidy goes for the mail is simply because the bill says that that shall be included in the bounty. I want to say to the Senator that the mails are being delayed to-day and every day in the city post-office at New York in order to give 20-knot ships a part of that subsidy, when ships are leaving there every day that will run 24 knots an hour. There is no attention whatever paid to expedition in that transoceanic communication. It is to give those lines a part of the mail subsidy that mails are daily retarded in the post-office at New York. There is no sort of parallel between the two propositions.

Mr. CHILTON. If the Senator will allow me, he states my position too broadly. What I did say was that if a man really believed a ship subsidy was necessary in order to expedite communication between our country and foreign countries he would be justified in voting for it, just as a man who really believed that this subsidy was necessary to expedite internal communication would be justified in voting for it.

Mr. MONEY. But you used the words "ship-subsidy bill."

Mr. CHILTON. But I meant what I have just stated.

Mr. MONEY. Then there is no sort of parallel between the two illustrations.

Mr. CHILTON. It depends upon what it is for. If it is simply to increase the speed of vessels and increase our merchant marine, it becomes a more doubtful question.

Mr. MONEY. If the Senator has read the subsidy bill, then he knows it is limited to 21-knot ships. He knows also, or he ought to know, as he is a man of high general intelligence and reading, that ships go out of port daily running 23 and 24 knots on the average per diem.

Mr. CHILTON. I am not making any argument in favor of the ship-subsidy bill at all; I am against it.

Mr. MONEY. I understand you are against it, but I am speaking of the parallel which you drew.

Mr. CHILTON. It just depends upon what the motive is for voting for one bill or the other. That was my position.

Mr. MONEY. No, Mr. President; it is not the motive at all. The question here is, Is the railroad performing a service to the Government for the benefit of the people who are served? The other is a question whether a ship is running for itself and for its owners; whether one shall be paid for the service actually performed for the public and the other should receive a bounty for services performed only for itself. That is the question and that is the difference.

The Senator from Arkansas, who has vigorously attacked this measure, as he usually attacks whatever he opposes, inquires if the railroad does not ask for this subsidy—as it was said, I believe, by the Senator from Louisiana upon my left [Mr. McENERY], that it does not want it—who does ask for it? I have no knowledge as to whether the railroads want it or not. I believe they do.

Mr. JONES of Arkansas. So do I.

Mr. MONEY. I am very well satisfied they do; but I will say that I have my pockets full of telegrams from people who do want it. The people whom I represent want it, and they telegraph me from every direction to vote for it and support it if I can. I find that I can, and that I can do it conscientiously.

I have no objection to the word "subsidy." I will admit I reported a bill in the House for a subsidy of \$500,000; but it was refused by the Postmaster-General of Mr. Cleveland. I want to say to those gentlemen who think that a subsidy should never be voted for by a Democrat—and I believe my distinguished friend from Tennessee [Mr. BATE] said so yesterday, although I was not here, as I was sick—that the enormous subsidy for the great Collins Line was put through by a Democratic House, a Democratic Senate, and a Democratic Administration, the Administration of the distinguished Tennessean, James K. Polk; and the ablest champion of the measure upon the floor was another Polk from Tennessee. We have not been as a party averse to paying reasonable compensation, although it may go by the name of "subsidy." "Subsidy" does not mean "bounty." It means something paid for service rendered. That is what it is.

It has been undertaken to be shown here that the circumstances would be just the same; in other words, there would be no discrimination in effect if this pay was withdrawn. Who can undertake to make that statement knowingly? It is true railroads have increased in number, and that they have greatly increased their rate of speed; population has increased enormously; business has increased immeasurably, keeping pace with the population. New England has 15 mails a day, New York has about 40 mails a day; but when you get down to the thinly settled country lying south of us, a daily mail is not quite sufficient, but two daily mails are all we ask.

There is not between here and New Orleans a single city of 100,000 inhabitants. It is a long way from here to New Orleans—1,300 miles; and 1,300 miles through a country of farmers, people isolated in a great degree from crowded neighborhoods. But these people do business; they want their mails, and they want them at least twice a day. When the time comes that the South will be thickly settled, with great cities, with large towns, and with a closely crowded rural population, we, too, can dispense with these things. The natural competition will be quite sufficient then to bring us not only two, but half a dozen or a dozen mails a day on every great trunk line within the confines of the South. We shall then be able to afford to do without this appropriation for fast mail service. So I say, it is the people of the South, who are benefited by this service, who demand this subsidy. I suppose, of course, the railroads like to have it.

I want to say now to the Senator from Texas [Mr. CHILTON], directing myself particularly to his remarks, that I recollect very well that I corresponded with every great trunk line in this country when this thing began, and the offer of extra compensation was refused in every instance except in this one. They then gave as a reason for their action that the time made by the transcontinental lines was only 18 miles an hour; and I recollect the statement was made that on those railroad lines the cost of the cross-ties, the metal, and the rolling stock was so great, and

the wear and tear on them was so much increased by the fast speed over the low speed that they declined the proposition.

You may call it a bonus, but they would not have the bonus, because they would not make the speed required in order to earn this fast mail subsidy. Is there a Senator in this Chamber who can say now that this road, the Southern Railroad, would run two fast mail trains a day if this subsidy or extra compensation, as it is called in the bill, was withheld? Senators call it "subsidy" here, because they imagine there is something odious in connection with the name. The bill reads "compensation," but it is very easy to damn a thing by a bad name. If you give a dog a bad name, you may as well hang him. So Senators call this "subsidy," and some of them, I believe, call it "a steal," or something of that sort. Well, we have all used language of that kind when we do not like a thing, but think it is a misfortune.

Senators cling to the opinion of the Second Assistant Postmaster-General about this matter, when they entirely set aside the opinion of the whole Post-Office Department as to the pneumatic-tube service. Why did not you go by the Postmaster-General's decision in that matter? The gentlemen who are holding us fast in this matter to the opinion of the Second Assistant Postmaster-General seem to regard as light as thistle down wafted upon the wind the opinion of the Department in regard to the pneumatic-tube system.

If you are so economical, why did you not vote for the amendment of the Senator from North Carolina [Mr. BUTLER] when he proposed to make a reduction of about \$9,000,000, I believe, in the pay for carrying the mail, so as to make it accord to the decline in the price for carrying freight? There is not a magazine in the United States that uses the mails within 500 miles of the office of its publication. They are all sent by express. After 500 miles it is profitable to them to load down Uncle Sam's mails with their magazines; and so with a great deal of other stuff. For instance, that worthless trash that comes from Augusta, Me., comes in train loads and carloads every day, sent by freight or sent by express, until it gets 500 miles off, and then it is distributed through the mails.

Mr. MALLORY. What is that worthless stuff?

Mr. MONEY. These newspapers full of advertisements, all run for some particular line. They really ought to be excluded from the mails. You might say they are absolutely valueless as literature. We have made the privileged rate for newspapers because they are great educators. I want to say I was responsible for that, and am responsible for it yet, and will continue to be.

The Senator from West Virginia was very anxious that this little gratuity, as he called it, should be given to the South; and the Senator from Louisiana pointed out, and very correctly, too, that the Southern lines were getting a certain amount of pay. But what is that amount of pay in the vast aggregate of pay given to all the railroads for railway pay throughout the country? When you come to New York and New England and Pennsylvania and across to the Mississippi River and beyond that, the travel is so immense, the freightage is so immense, the expressage is so immense, that they run from 15 to 20 trains, and from that as high as 40 a day, and there is no trouble about getting mail transportation. There is no necessity for paying anything extra.

But when you come to a great stretch of country of twelve or thirteen hundred miles with not a city of a hundred thousand inhabitants in it, then you have only two mails a day; and I say, notwithstanding the assertions to the contrary, that I do not believe this railroad can keep on two fast mails a day without this assistance from the Government. The cost in the wear and tear of the rails and the rolling stock is too great to enable it to do so without this extra compensation. Besides, the competition is not so great as you imagine. When you speak of two or three lines you are covering half a continent, and there is no sort of competition except on the little bit of through travel. As far as local business goes there is none whatever.

Mr. MALLORY. Throughout the summer there is very little travel at all.

Mr. MONEY. And, as is very aptly remarked by the Senator from Florida, there is hardly any travel at all in summer.

Now, I know Senators are impatient to vote on this question, and they are impatient also as to hearing any speaking contrary to their views upon the question. But I had it in mind to say these few words about it, because I think I know something about the matter, and I believe my people will insist that I shall take the stand I have taken. I have plenty of evidence, and not one solitary line to the contrary, that they require of me to do all I can to continue these two fast mail trains a day. It is for their benefit. It does extend throughout all the Southwest everywhere. You can not stop it at any place. If it gets to New Orleans any earlier, it will go earlier to all other places.

Senators must understand that it is not alone for the benefit of New Orleans. What is to become of Charlottesville and Lynchburg and Greensboro and Danville and Charlotte and all those other places, Greenville, S. C., Atlanta, Birmingham, and all

those cities, representing an enormous area of country and containing a very great body of population? They are to be considered as well as is New Orleans. It is true that the Senator from Louisiana can get his New Orleans mail by a circuitous route, but people in the country want the fast mail as well as the Senator from Louisiana. They pay their share of the taxes, and I want to say what is not considered very often by Senators who consider these matters, that what is paid by the people for postage is a tax and nothing more. The carrying of the mail is a Government function. It is not a favor to anybody particularly.

It is just as much a function of this Government properly to carry the mail, distributing equally its benefits, as it is to hold its Federal courts or to do any other act of government. The postage paid by the people is not to compensate the Government. It is simply a tax laid upon this peculiar transit of mail, and that is all. If the Government never made a cent, but lost \$50,000,000 a year, it would be under the same obligation in this respect to the people as it is to-day. There have been very few years in the history of the Government when the revenue derived from postal matters equaled the expenditure, and it does not make any difference whether it ever does or not. We do not require the judiciary or the Army or the Navy to pay its own expenses. Why should we as respects the postal system? It is the people's Government, it is the people's taxes, it is the people's fund. I say they do want it in the State I have the honor in part to represent here, and I shall continue so long as they so express their wishes to me to vote for this measure.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. RAWLINS], to strike out lines 7 to 21, inclusive, on page 19 of the bill.

Mr. PETTIGREW and Mr. RAWLINS called for the yeas and nays, and they were ordered.

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. HEITFELD (when his name was called). I have a pair with the senior Senator from New York [Mr. PLATT]. In his absence I withhold my vote.

Mr. MONEY (when his name was called). I am paired generally with the Senator from Oregon [Mr. McBRIDE]. I do not know how he would vote if he were here. I transfer my pair to the Senator from Ohio [Mr. FORAKER] and will vote. I vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. I transfer my pair to my colleague [Mr. BUTLER], and will vote. I vote "nay."

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Washington [Mr. TURNER]. I am not informed as to how he would vote, and I therefore withhold my vote.

The roll call was concluded.

Mr. BUTLER (after having voted in the affirmative). I am paired on this vote with the Senator from South Carolina [Mr. McLAURIN]. I understand he has not voted, and I therefore withdraw my vote.

Mr. VEST. My colleague [Mr. COCKRELL] is paired with the senior Senator from Iowa [Mr. ALLISON]. If my colleague were present, he would vote "nay."

Mr. STEWART (after having voted in the affirmative). I am paired with the junior Senator from West Virginia [Mr. SCOTT], and therefore withdraw my vote.

Mr. WOLCOTT. I have been requested to announce the pair of the senior Senator from Iowa [Mr. ALLISON] with the senior Senator from Missouri [Mr. COCKRELL], both of whom are detained from the Chamber on public business. If the senior Senator from Iowa were present, he would vote "yea."

The result was announced—yeas 19, nays 45; as follows:

YEAS—19.

Bate,	Dillingham,	Kyle,	Quarles,
Berry,	Frye,	Lodge,	Teller,
Caffery,	Hale,	Nelson,	Turley,
Chilton,	Hawley,	Pettigrew,	Wolcott.
Culberson,	Jones, Ark.	Platt, Conn.	

NAYS—45.

Aldrich,	Deboe,	Lindsay,	Shoup,
Allen,	Depew,	McEnery,	Simon,
Bacon,	Elkins,	McMillan,	Spooner,
Bard,	Fairbanks,	Mallory,	Sullivan,
Beveridge,	Foster,	Martin,	Taliaferro,
Burrows,	Gallinger,	Money,	Thurston,
Carter,	Hansbrough,	Morgan,	Tillman,
Chandler,	Harris,	Perkins,	Vest,
Clapp,	Jones, Nev.	Pettus,	Wetmore.
Clark,	Kean,	Pritchard,	
Clay,	Kearns,	Proctor,	
Daniel,	Kenney,	Sewell,	

NOT VOTING—24.

Allison,	Foraker,	McCumber,	Rawlins,
Baker,	Hanna,	McLaurin,	Scott,
Butler,	Heitfeld,	Mason,	Stewart,
Cockrell,	Hoar,	Penrose,	Turner,
Cullom,	McBride,	Platt, N. Y.	Warren,
Dolliver,	McComas,	Quay,	Wellington.

So Mr. RAWLINS's amendment was rejected.

Mr. BERRY. I offer an amendment to the bill.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment to the bill, which will be stated.

The SECRETARY. On page 19, line 14, after the word "service," it is proposed to insert:

Provided also, That the Postmaster-General shall not construe this appropriation as a direction to him to expend the money if he deems it unnecessary to promote the interest of the postal service.

Mr. BERRY. Mr. President, I do not wish to take the time to discuss this amendment, because I think this bill ought to pass as early as possible, but I simply want to say that every Senator who has spoken in favor of this appropriation has said that if it was unnecessary it ought not to be made; that if it was unnecessary, then it was subsidy direct. If necessary, the Senator from Missouri [Mr. VEST] contended it was not a subsidy. The Postmaster General says, and he has repeated it, that he considers it a direction to him to expend it whether he believes it necessary or not. The amendment I propose says that it shall not be considered a direction to him if he thinks it is unnecessary to promote the interest of the postal service.

Now, if that be true, if Senators here do not want to use the money unless it is necessary, they will vote for this amendment. If the Postmaster-General is honest when he says that he considers it a direction, then this says to him it is not intended as a direction, but that he shall not use it if he deems it unnecessary for the public good and the postal service. Therefore I should think there would be no objection to the amendment from any source whatever.

Mr. MONEY. I should like to have the amendment again read.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again stated the amendment.

Mr. MONEY. I move to lay the amendment on the table.

Mr. STEWART and Mr. BUTLER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I wish again to announce that I am paired with the Senator from South Carolina [Mr. McLAURIN]. If he were present I should vote "nay," and I suppose he would vote "yea."

Mr. VEST (when Mr. COCKRELL's name was called). My colleague [Mr. COCKRELL] is paired with the senior Senator from Iowa [Mr. ALLISON]. If present, my colleague would vote "yea."

Mr. CULLOM (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. QUAY].

Mr. HEITFELD (when his name was called). I again announce my pair with the senior Senator from New York [Mr. PLATT].

Mr. RAWLINS (when his name was called). I am paired on this question with the Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. STEWART (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the senior Senator from Minnesota [Mr. NELSON]. If he were present, I would vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. WOLCOTT. I desire to announce that the senior Senator from Iowa [Mr. ALLISON] is paired with the senior Senator from Missouri [Mr. COCKRELL], and if present, the former would vote "nay."

The result was announced—yeas 38, nays 23; as follows:

YEAS—38.

Aldrich,	Daniel,	Lindsay,	Pritchard,
Allen,	Deboe,	McComas,	Sewell,
Bacon,	Depew,	McEnery,	Shoup,
Beveridge,	Elkins,	McMillan,	Simon,
Burrows,	Foster,	Mallory,	Sullivan,
Carter,	Gallinger,	Martin,	Taliaferro,
Chandler,	Hansbrough,	Money,	Thurston,
Clapp,	Harris,	Morgan,	Wetmore.
Clark,	Kean,	Perkins,	
Clay,	Kenney,	Pettus,	

NAYS—23.

Bard,	Dillingham,	Kearns,	Spooner,
Bate,	Fairbanks,	Kyle,	Teller,
Berry,	Frye,	Lodge,	Tillman,
Caffery,	Hale,	Pettigrew,	Turley,
Chilton,	Hawley,	Platt, Conn.	Wolcott.
Culberson,	Jones, Ark.	Quarles,	

NOT VOTING—27.

Allison,	Hanna,	Mason,	Scott,
Baker,	Heitfeld,	Nelson,	Stewart,
Butler,	Hoar,	Penrose,	Turner,
Cockrell,	Jones, Nev.	Platt, N. Y.	Vest,
Cullom,	McBride,	Proctor,	Warren,
Dolliver,	McCumber,	Quay,	Wellington.
Foraker,	McLaurin,	Rawlins,	

So Mr. BERRY's amendment was laid on the table.

Mr. LODGE. I desire to offer an amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The Secretary read as follows:

Books sent by mail by public libraries to persons using such libraries and bearing the library stamp and number shall be carried at the rates now established by law for the transmission of books through the mails.

Mr. WOLCOTT. So far as I am concerned, I will accept the amendment. It does not enlarge the scope of second-class mail, except it lets books go through the mail as all other books go, even if they have a pencil mark or a pen-and-ink mark showing their number in the library.

The PRESIDENT pro tempore. Does the Senator from Massachusetts offer the amendment as a separate clause?

Mr. LODGE. Yes; to come in on page 22, after line 18.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

This amendment was agreed to.

Mr. BUTLER. I offer an amendment.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. On page 17, lines 3 and 4, strike out the words "four million eight hundred and sixteen thousand dollars" and insert in lieu thereof "two million four hundred and eight thousand dollars;" and add at the end:

And the additional pay now allowed by section 4004 of the Revised Statutes for railway post-office cars shall be reduced 50 per cent from and after July 1, 1901.

Mr. BUTLER. Mr. President, we have just had probably one of the most remarkable votes that have ever been recorded in the Senate of the United States. It is simply because the Senate by that vote say, We direct the Postmaster-General to make a donation of the public money to certain railroad companies, even though it is unnecessary and will not add anything to the public service. That is what the vote says. There is no getting around it. It exposes in all their nakedness the arguments and claims made by those who said they were fighting for better facilities for the South and that they only asked this because it was necessary. It exposes the fact that that argument will not do, that it is not the service which is primary. It does not need any interpretation. It interprets itself. I say it is remarkable. I do not think the history of this body will show any other vote of such a nature and under such circumstances, and it is to be hoped that there will never be another. The present indications are, there will be.

Mr. President, I have now offered an amendment that I feel it is useless to offer, and which is as just as the one just voted down. I offered an amendment a few days ago, recommended by the statistician of the Interstate Commerce Commission, after thorough investigation, that would save the Government about as much money as those who are so excited about the ship-subsidy steal said it would rob the Treasury of; and yet we find about half, if not more than half, of those who are understood to oppose the ship-subsidy appropriation voting to take more money out of the Treasury than that bill would have taken, and for just as useless a purpose, if not more so, because no one can deny that the subsidy for the merchant marine may have done some good; but the contention was that the whistle cost too much and the principle was vicious. But here is a case where there is no good to be accomplished, and, as I understand, nobody claims that any good could be accomplished. It is just the same with the vote just taken. Nobody can say that that will accomplish any good as an explanation of his vote, because the amendment voted down required the Postmaster-General to use the money if it was necessary to facilitate the postal service even in the least degree.

Now, Mr. President, the postal commission also investigated the pay for railway post-office cars. The minority of the commission recommended a reduction of 50 per cent in the present rent. I have embodied their recommendation in this amendment, while we are paying more than 50 per cent too much for rent. The post-office cars to-day cost from \$4,000 to less than \$6,000, an average of about \$5,000 for all cars from 40 feet to 60 feet in length, and we are paying a rental which is nearly \$6,000 for each car—more than it would cost to build and own them.

Surely this recommendation made by the minority of the commission, which I have embodied in my amendment, should be accepted. It proposes to cut the rental down to 50 per cent, and pay each year half as much as the cars are worth in rent, which would mean that in twenty years, the life of a car, the Government

would pay for the cost of the cars ten times over in rent. That is all this amendment calls for, and yet it will not be adopted.

Mr. President, I want to see this bill passed and the business of the Senate facilitated, and therefore I am not going to take the time to talk, because I know it will do no good. I would take the time if I thought it would save this \$2,000,000 steal. It is more than that. This amendment saves two millions of the steal by cutting down the rental 50 per cent, as recommended by the minority of the postal commission. I ask to have put in the RECORD an extract from the report of that commission, showing that that reduction ought to be made. Of course it will not influence Senators if I read it, but it will more widely distribute the facts by putting them in the RECORD and let the public, as far as they can get hold of the RECORD, see what are the facts. Therefore I ask that that part of the report, beginning near the bottom of page 39, which relates to post-office cars, down to near the bottom of page 42, ending with the words "railway post-office car," be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be done.

The matter referred to is as follows:

There seems to be some confusion of thought and language in many of the public reports, as well as in the testimony of some of the witnesses before the commission, in reference to the use of postal cars and the basis of pay therefor. A simple statement of facts will clear up the situation. In the days of the stage coach there was of course no distribution of mail in transit. When railways were built the Government promptly availed itself of the better mail facilities afforded by this method of transportation. With the enlarged space at command it was an easy step to have pigeonholes placed in the apartment of the car allotted to the mail and require the agent in charge to assort the local mail. The arrangement at first was crude, but from this original apartment car, used generally for mail and baggage, there was gradually evolved, especially after 1834, the complete railway post-office car of the present day, which is in reality a traveling post-office for the assortment and distribution of mail.

The post-office records do not show the number of these apartment cars in use prior to 1882, but that they were very generally used for purposes of local distribution at a much earlier period on the railway mail routes is shown by the fact that on April 30, 1859, an order was issued by the Post-Office Department discontinuing 13 of the 150 distributing offices then in existence as being no longer necessary. (History of the Railway Mail Service, p. 78.)

Neither previous to 1873 nor since has the Government ever paid anything extra for these apartment mail cars. They were considered as affording only reasonable facilities for carrying mail, as freight cars were for carrying freight, and passenger cars for carrying passengers. The pay for their use was included in the regular mail rate, just as the pay for using a freight car was included in the freight rate and the pay for a passenger car in the passenger rate.

That this position is correct is further shown by the fact that the law of 1873, which provides for the first time in our history for extra payment for railway post-office cars, made no provision to pay for any car less than 40 feet in length, while, as a matter of fact, there were no apartment cars in existence then, nor are there any in existence now, with a mail apartment as long as 40 feet. Evidently the purpose of the act of 1873 was not to allow extra pay for any apartment car, but only for a full railway post-office car of at least 40 feet in length.

In 1882 there were in actual use by the Department 1,229 of these apartment cars. In 1892 there were 1,867 of them, and in 1900 there were 2,161. How many there were in 1873 I have not been able to ascertain; probably somewhere from 500 to 1,000, possibly less. But, whatever the number was, no pay was made for them. Nor was any provision for such pay made in the act of 1873. Such was the condition when the law of 1873 was passed fixing the general pay for the railway transportation of mail, and in addition thereto providing special pay for full postal cars, now termed R. P. O. cars, or railway post-office cars.

Prior to 1880 the allowance for these railway post-office cars was not separated from the total allowance for mail transportation. In 1880 the expenditure for railway post-office cars was \$1,261,041, and in 1900 it was \$4,368,999. The number of railway post-office cars in actual use for the fiscal year ending June 30, 1900, was 766. Dividing that number into the expenditure, we have \$5,703.65 as the average sum earned by each railway post-office car in actual use for the fiscal year ending June 30, 1900, in addition to the sum paid for transporting the mail in the car under the regular rates. The question is whether or not this \$5,703.65 is excessive extra pay for the average railway post-office car per annum as used under the law.

Some of the railway post-office cars are 40 feet in length, some 50 feet, and some 60 feet. The cost of constructing a 60-foot car (the extreme length) is placed by one witness (Part I, p. 370) at about \$5,500, though another witness placed the cost for a 40-foot railway post-office car as low as \$3,000 (Part I, p. 182). Taking the maximum cost of \$5,500, we find that it is \$203.65 less than the annual pay for the average car. This difference, of course, would be still greater if we should take the cost of the average car instead of the cost of the extreme-length (60 feet) car.

The apartment mail car, for which no extra pay is given, and the railway post-office car are essentially the same in character. They differ only in the quantity of space, quality of fixtures, etc., increased weight, cost, etc. The one is simply an evolution from the other.

What, then, is the proper basis of pay for railway post-office cars? Clearly that basis is to be found in the differences which exist between the apartment car and the railway post-office car. The extra pay should be adjusted to the extra facilities; no more, no less. The distance the cars run per annum does not enter as a separate factor into the problem, because if the mail were carried in an apartment car, that car would have to run just as many miles as the railway post-office car. In either case the same number of engineers, brakemen, etc., are required.

Taking \$3,000 as the average cost of an apartment car and \$5,500 as the cost of a railway post-office car, the difference would be \$2,500. Interest should be allowed on this difference; 6 per cent would be \$150. Allowing for extra deterioration and repairs, extra lights, extra cost of fuel for hauling the extra weight, and then making a liberal allowance for "sundries," it is difficult to see how the special pay for one of these railway post-office cars could well go beyond \$2,000 per annum. The report of the majority refers to the testimony of one witness to the effect that the cost of maintenance of a railway post-office car per annum would go as high as \$2,000. But another witness has placed it as low as \$620, and others at about \$1,000 (Part I, pp. 310, 667). Moreover, it should be borne in mind that the correct figures to be used in this connection are not those giving the cost of maintaining a full postal

car, but those giving the difference in cost of maintenance between a full postal car and an apartment car.

In mentioning the sum of \$2,000 per annum as ample special pay for railway post-office cars, I do not mean that this sum is precisely the correct one. It may be too small or too large, but the itemized details could easily be ascertained if only the basis of pay herein contended for were accepted. If this basis be correct, the special pay for the railway post-office cars could properly be reduced at least 50 per cent, and still it would be liberal compensation for the extra facilities of a railway post-office car over and above the facilities of an apartment car, for which no pay is now given or ever has been given.

Efforts have been made to defend the heavy outlay for railway post-office cars on the ground that the regular compensation for mail transportation, as fixed by the law of 1873, was found to be inadequate, and therefore the pay for railway post-office cars was purposely placed higher than it should have been per se in order to make up the losses on the regular rates. But that plea loses much of its force when we consider that the railway post-office car pay was fixed in the same law of 1873 in which the regular mail transportation rates were fixed, and instead of those rates being found inadequate by subsequent Congresses they were considered to be too high and were twice lowered, once in 1876, 10 per cent, and again in 1878, 5 per cent.

Either the Government ought in justice to pay the railroads something for the use of the apartment cars or it ought not to pay \$5,703.65 per annum for the average railway post-office car. It is not good, practical judgment to correct a defect in one branch of business by creating an abuse in another. Even if no reduction in total pay is to be made, it would be far more logical to readjust the rates for regular mail transportation and postal-car pay, and base the latter on the differences that exist between the average apartment car and the average railway post-office car.

Mr. BUTLER. Mr. President, I do not even ask for a ye-and-nay vote on this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. BUTLER].

The amendment was rejected.

Mr. BUTLER. I ask leave to add to the remarks that I made, and also to the extract from the commission's report on railway post-office cars, an extract from the report of the National Board of Trade, ratifying the report of this commission, dealing with the same subject, beginning on page 15 of the pamphlet that I will give to the reporters, near the bottom of the page, with the word "fourth," being the fourth subdivision of their report, down to the sixth subdivision of their report, on page 18, in which the National Board of Trade recommends that there shall be a reduction of at least 50 per cent, as found in the amendment.

The PRESIDENT pro tempore. The Chair hears no objection.

The matter referred to is as follows:

Fourth. The majority report is adverse to any reduction in the present allowance for post-office cars, partly because of the large ratio of "dead" to "paying load."

Query: (a) Taking the very heaviest weight of any known post-office car and the lightest average weight of mail ever carried in the same car, is not the ratio of "dead" to "paying load" still less than the ratio sworn to by President Spencer on page 680, Part I, of the testimony, as existing in the average passenger service?

(b) In computing the ratio of "dead" to "paying load" President Spencer allowed 250 pounds for the weight of the average passenger and baggage. Had he allowed only 200 pounds, according to other evidence, or had he allowed only between 150 and 160 pounds, according to certain subsequent railroad evidence, would not his ratio of "dead" to "paying load" in the passenger service been even as great as 50 to 1?

(c) Even though the claim of an excessive ratio of "dead" to "paying load" in the mail service could be indisputably demonstrated, what other items, in the 62 items of railroad expenditures, would be affected by reason of this increased weight other than the two items of coal and water?

(d) Did Vice-President Kruttschnitt, of the Southern Pacific Railway Company, testify before the commission that he voluntarily added, without any additional compensation, 25 per cent to the length of seven lines of new post-office cars they built that year, making an additional weight of from 10,000 to 15,000 pounds on each car, and an annual additional haul of millions of ton-miles?

(e) Would Mr. Kruttschnitt have added this 25 per cent weight and hauled these millions of ton-miles because of his dislike to "build a back-number car," if he had not believed that the increased consumption of coal and water for carrying this increased weight represented only a nominal cost?

Fifth. Post-office cars cost (according to the testimony) from \$2,500 to \$3,000, or an average of probably less than \$5,000. In addition to the regular pay for the mail which they carry, the Government is said to pay an additional annual rental of about \$5,703, or about \$700 more each year than the actual cost of the car.

The majority report opposes any reduction of this rental, principally because of the ratio of "dead" to "paying load," the elaborate and convenient fittings of the cars, and their use by the Department at other times than when actually running.

Query: (a) If these so-called post-office cars were not used, would not the railroad companies be obliged to furnish regular apartment cars, such as always have been, and still are used, and for which no additional rental is paid?

(b) In running post-office cars in place of apartment cars what additional cost is incurred by the company exclusive of interest on difference in cost of cars, annual depreciation of the difference in cost, the fuel and water for drawing the increased load, and a possible difference in cost of maintenance?

(c) The testimony on page 500, Part II, calls attention to the fact that between \$6,000,000 and \$7,000,000 is annually charged for "Equipment received by railway service," which equipment is described by a post-office official as representing the "post-office car dressings," and appears to include, among other items, the sacks and pouches which serve as receptacles for the mail distributed en route, and whose principal function is similar to that of the wooden cases and boxes into which the mail is likewise distributed, but which are not weighed and charged for as equipment because, although much heavier in weight than the sacks and pouches, they are permanently attached to the car.

Does the commission recommend, in addition to the regular pay for the carrying of the mail, the continuance of the present annual charge of nearly four and a half million dollars as rental for post-office cars and this additional annual charge of between six and seven millions for carrying the "post-office car dressings?"

Mr. KENNEY. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read. The SECRETARY. On page 16, after the word "dollars," in line 4, insert:

For transportation of mail by pneumatic tube in cities having the system, \$162,866: *Provided*, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system: *And provided*, That no contract shall be made for transportation of mail by pneumatic tubes for more than one year.

Mr. KENNEY. Mr. President, in support of the amendment, I wish to briefly state to the Senate that the \$162,866 provided for is for the purpose of maintaining the system in Boston, New York, Brooklyn, and Philadelphia. It covers a reduction of 40 per cent over the charges now made in the city of New York. By this appropriation the plant or system in those several cities would be continued, on the basis of the amendment, by a contract to be made by the Postmaster-General showing, as I have said, a reduction of 40 per cent over what is now charged in the city of New York.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Delaware [Mr. KENNEY].

The amendment was rejected.

Mr. WOLCOTT. Mr. President, I think there are no other amendments.

Mr. BUTLER. I have another amendment.

Mr. CLAY. Mr. President, I wish to take just half a minute. In reply to the statement made by the Senator from North Carolina that a very remarkable vote had been cast in the Senate declining to leave it to the discretion of the Postmaster-General as to whether or not he should use this extra appropriation, I desire to have inserted in the RECORD the provisions of the bill which provide for this fast mail service. It is a complete answer to the senior Senator from North Carolina:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, \$171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

In answer to the Senator from North Carolina, here is a positive instruction which says to the Postmaster-General if it is necessary to promote the public service, use it; if not, then do not use it.

Mr. BUTLER. Oh, Mr. President, that is a very—

Mr. WOLCOTT. I call for the regular order.

Mr. BUTLER. I have the floor. The Chair recognized me to offer an amendment.

The PRESIDENT pro tempore. The Chair recognized the Senator from North Carolina.

Mr. BUTLER. I suppose I am in regular order now.

Mr. ALDRICH. Go ahead.

Mr. BUTLER. Mr. President, the stage play of the Senator from Georgia—

Mr. WOLCOTT. I should like to have the amendment reported.

Mr. BUTLER. Is too transparent—

Mr. WOLCOTT. I rise to a parliamentary inquiry. I ask the Chair what is before the Senate? Is there any amendment before the Senate?

The PRESIDENT pro tempore. The Post-Office appropriation bill is before the Senate.

Mr. WOLCOTT. Is there any amendment pending?

The PRESIDENT pro tempore. There is no amendment now pending.

Mr. WOLCOTT. I only wanted the Senator from North Carolina to get his amendment in so that he could proceed in order.

Mr. BUTLER. Mr. President, whenever the Senator from Colorado gets his nerves toned down so that he feels comfortable, I will proceed, if it will not annoy him too much.

Mr. President, as I was about to say, it does not need any comment. If the Senator from Georgia [Mr. CLAY] wants to hide behind it and he thinks that that is any covering and it is any comfort to him, I have no objection. But it has been already shown in this debate—and I will not take the time to rehearse it—that the Postmaster-General stated that he construed the language which has just been read as an instruction, inasmuch as Congress insisted upon appropriating this money after the Postmaster-General had recommended against it and told Congress that it was a nuisance, that it not only did no good, but that it was a cause of friction and an impediment.

I think the Postmaster-General was wrong in interpreting the action of Congress in that way. I am frank to say that if I had been Postmaster-General I would not have so interpreted the action of Congress. But when he did notify us that he so inter-

preted it, then, I say, it was proper for the Senate to adopt the amendment offered by the Senator from Arkansas, to let him know what our intentions were. It was perfectly proper for us to do it. If we mean to do what the Senator from Georgia claims that proviso does mean, then he ought to have voted for this amendment, and he would have voted for it. That is all there is in it. Every 10-year-old boy in the country will know that.

Mr. President, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment which will be read.

The SECRETARY. On page 16, after line 9, insert:

With a view to securing the transmission through post-offices and over post-roads of communications by electricity, the Postmaster-General is hereby authorized and directed to investigate the cost of establishing, as a part of the postal service, a postal telegraph connecting all post-offices in incorporated towns and cities, connecting therewith all remaining post-offices either by telegraph or telephone, and to report at what cost the Post-Office Department could furnish such increased service to the public and make this department of the postal service self-sustaining.

Mr. BUTLER. Mr. President, the Constitution of the United States makes it the imperative duty of Congress to establish post-offices and post-roads, and it gives to the Government exclusive jurisdiction over the transmission of communication. Therefore whenever Congress allows any private individual or corporation to assume any of the functions of carrying the mail or carrying communication, it is just as much in derogation of the Constitution as if Congress were to delegate the power to coin money to a private individual or to delegate to a private individual the power to raise and maintain the armies of the United States.

Mr. WOLCOTT. May I interrupt the Senator for a moment?

Mr. BUTLER. The Senator may.

Mr. WOLCOTT. As far as the chairman of the committee is concerned, I am very glad to accept the amendment.

Mr. BUTLER. Will the Senator help me to hold it in conference?

Mr. WOLCOTT. Oh, I do not think the Senator means to ask me seriously such a question as that. I am in perfect good faith.

Mr. BUTLER. I ask in good faith because I know—

Mr. WOLCOTT. I am not opposed to the amendment. It carries no appropriation with it.

Mr. BUTLER. It carries none.

Mr. WOLCOTT. It is a very proper subject of inquiry. I have not the slightest objection to it. I have spoken, as I always do, to the Senator with the utmost good faith and with no sort of idea of doing other than meet his views about it.

Mr. BUTLER. Certainly; I understand; but the Senator will understand why I ask the question. I will explain. If it is to go into the bill, I want to have the investigation, and I care to say nothing further; but if it were to be dropped in conference, nothing would be accomplished, and the facts that I wanted to put before the Senate showing why it should be done I would be excluded from presenting.

Mr. WOLCOTT. All I can say is that the Senator from North Carolina has been upon every conference committee since the Post-Office Committee has had charge of the Post-Office appropriation bill, and I know he has no reason to complain, nor has any other Senator.

Mr. BUTLER. I have not, and I do not wish the Senator to understand that I meant any reflection on him or meant to complain, except that we do know amendments often get lost in conference.

Mr. WOLCOTT. I do not think that this amendment, which carries no appropriation, would be other than welcomed by everyone. It gives fresh information.

Mr. BUTLER. Then, Mr. President, I shall not take the time of the Senate unless it is necessary. Of course, I can discuss the conference report when it comes in. If this amendment shall be adopted, I do not care to take up time further, for the purpose I have in view is apparent to everyone. If it is not retained, I shall take the time of the Senate when the conference report comes in to put before the country, as far as I can in this way, the reasons why such an investigation should be made, with a view of using electricity as a means for rapid communication to the people of the country, instead of the horse, wagon, and steam.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. BUTLER].

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. DEPEW. I should like to offer an amendment on page 24, at the end of line 3.

The PRESIDENT pro tempore. The Senator from New York can offer his amendment in the Senate.

Mr. DEPEW. All right.

The PRESIDENT pro tempore. Shall the vote on concurring in the amendments made as in Committee of the Whole be taken in gross? Is there objection? The Chair hears none. The Senator from New York offers an amendment which will be read to the Senate.

Mr. WOLCOTT. The amendment comes in on page 24, at the end of line 3, after the words "miscellaneous items, \$1,000."

The Secretary read as follows:

When any publication has been accorded second-class mail privileges the same shall not be suspended or annulled except after a report made to the Postmaster General by the Assistant Postmaster-General in charge of the subject of the alleged violation of law and a written decision of the Postmaster-General after a hearing granted to the parties interested.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New York [Mr. DEPEW].

The amendment was agreed to.

The PRESIDENT pro tempore. Will the Senate concur in the amendments reported from the Committee of the Whole to the Senate?

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT ON THE BEET-SUGAR INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. PROCTOR, was, with the accompanying papers, referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture forwarding the accompanying report upon the beet-sugar industry in the United States during the year 1900, and invite attention to the request of the Secretary that, in view of the very great importance of the subject and the desirability of placing the information collected in the hands of interested persons, 20,000 copies be printed for the use of the Department of Agriculture, in addition to such number as Congress may deem necessary for the use of Senators, Representatives, and Delegates.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 23, 1901.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 76) for the relief of the University of Kansas;

A bill (S. 95) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

A bill (S. 227) for the relief of the Continental Fire Insurance Company and others;

A bill (S. 413) granting a pension to Albert S. Cummings;

A bill (S. 648) granting a pension to Margaret G. White;

A bill (S. 715) granting a pension to Fiddlar White, alias William Johnson;

A bill (S. 726) for the relief of Alice Walsh;

A bill (S. 879) for the relief of Levi Stoltz;

A bill (S. 880) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.;

A bill (S. 914) granting a pension to Charles L. Summers;

A bill (S. 1017) for the relief of John M. Guyton;

A bill (S. 1065) granting an increase of pension to Bettie Lee Ward;

A bill (S. 1212) granting an increase of pension to John W. Canaday;

A bill (S. 1269) granting a pension to Nancy J. Dunaway;

A bill (S. 1365) granting an increase of pension to Lorinda N. Smith;

A bill (S. 1455) granting an increase of pension to Alexander W. Browning;

A bill (S. 1550) granting an increase of pension to Kate Ezekiel;

A bill (S. 1602) granting an increase of pension to Morris B. Kimball;

A bill (S. 1693) granting an increase of pension to Henry Hegwer;

A bill (S. 1722) granting an increase of pension to Bertha Leavey;

A bill (S. 1786) granting an increase of pension to Fielding Marsh;

A bill (S. 1850) granting an increase of pension to James C. Delaney;

A bill (S. 2037) granting an increase of pension to George F. Burrage;

A bill (S. 2104) granting an increase of pension to William L. Aten;

A bill (S. 2153) granting an increase of pension to Jesse N. Dawley;

A bill (S. 2163) granting an increase of pension to Franklin Kersting;

A bill (S. 2227) granting an increase of pension to Uriah Clark;

A bill (S. 2232) granting a pension to Frederick Sien;

A bill (S. 2738) granting an increase of pension to James M. Munn;

A bill (S. 2785) granting an increase of pension to William H. Gardner;

A bill (S. 2828) granting an increase of pension to Hippolyte Perrault;

A bill (S. 2843) granting an increase of pension to John Johnson;

A bill (S. 2905) granting a pension to George M. Wilson;

A bill (S. 2915) granting an increase of pension to Samuel Z. Murphy;

A bill (S. 2946) for the relief of William H. Wanamaker;

A bill (S. 3030) granting an increase of pension to Henry Guckes;

A bill (S. 3193) granting an increase of pension to Charles H. Force;

A bill (S. 3280) granting an increase of pension to Henry Keene;

A bill (S. 3339) for the relief of Leonard Wilson;

A bill (S. 3343) granting an increase of pension to Keziah Fansler;

A bill (S. 3386) granting a pension to Catherine L. Taylor;

A bill (S. 3391) granting a pension to John Black;

A bill (S. 3400) granting an increase of pension to Charles T. Shaw;

A bill (S. 3482) granting an increase of pension to Elias M. Lynch;

A bill (S. 3483) granting an increase of pension to Jeremiah Jackson;

A bill (S. 3521) granting a pension to William P. Payne;

A bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York;

A bill (S. 3554) for the relief of W. T. Scott and others;

A bill (S. 3580) granting an increase of pension to Theron Johnson;

A bill (S. 3648) granting an increase of pension to Peter Shelt;

A bill (S. 3653) granting an increase of pension to Henry Smith;

A bill (S. 3935) granting an increase of pension to James Ryan;

A bill (S. 3746) granting an increase of pension to George W. Bodurtha;

A bill (S. 4237) granting a pension to Frances Helen Lewis;

A bill (S. 4531) granting a pension to Harriet S. Richards;

A bill (S. 4542) granting a pension to Jane W. Wood;

A bill (S. 4543) granting an increase of pension to Stacy H. Cogswell;

A bill (S. 4630) granting an increase of pension to James H. Bellingier;

A bill (S. 4692) granting an increase of pension to Asa W. Taylor;

A bill (S. 4695) granting a pension to James Dorcey;

A bill (S. 4728) granting an increase of pension to Marvin V. Tufford;

A bill (S. 4731) granting an increase of pension to Henrietta M. Leiper;

A bill (S. 4772) granting an increase of pension to John W. Eichelberger;

A bill (S. 4828) granting an increase of pension to Norman Stewart;

A bill (S. 4938) granting an increase of pension to Esther Ann Grills;

A bill (S. 4960) granting a pension to Minerva M. Helmer;

A bill (S. 4985) granting an increase of pension to George C. Jarvis;

A bill (S. 5006) granting an increase of pension to John T. Comegys;

A bill (S. 5007) granting an increase of pension to George N. Tarburton;

A bill (S. 5019) granting an increase of pension to Julia Crenshaw;

A bill (S. 5031) granting an increase of pension to Margaret A. Potts;

A bill (S. 5039) granting an increase of pension to Lucie M. Mabry;

A bill (S. 5050) granting an increase of pension to Charles A. Marsh;

A bill (S. 5074) granting an increase of pension to Sarah F. Bridges;

A bill (S. 5119) granting a pension to Jessie A. Bruner;

A bill (S. 5146) granting an increase of pension to Robert H. Jones;

A bill (S. 5170) granting a pension to Louise Wolcott Knowlton Browne;

A bill (S. 5187) granting a pension to Corinne R. Strickland;

A bill (S. 5191) granting an increase of pension to Selah V. Reeve;

A bill (S. 5144) granting an increase of pension to Charles Scott;

A bill (S. 5171) granting an increase of pension to Albert H. Fairchild;

A bill (S. 5172) granting a pension to Elizabeth Bughmen;

A bill (S. 5201) granting a pension to Samuel F. Radford;

A bill (S. 5204) granting an increase of pension to John Scott;

A bill (S. 5272) granting an increase of pension to Thomas M. Wimer;

A bill (S. 5322) granting an increase of pension to Daniel W. Warren;

A bill (S. 5326) granting a pension to Maggie Alice Brady;
 A bill (S. 5363) granting a pension to Lizzie Wattles;
 A bill (S. 5369) granting an increase of pension to Edmund Cragg;
 A bill (S. 5397) granting a pension to Charity McKenney;
 A bill (S. 5400) granting a pension to Martin Dismukes;
 A bill (S. 5405) granting an increase of pension to John H. Taylor;
 A bill (S. 5428) granting an increase of pension to Charles R. Cole;
 A bill (S. 5431) granting an increase of pension to William H. Ball;
 A bill (S. 5450) granting an increase of pension to Rachel J. B. Williams;
 A bill (S. 5451) granting an increase of pension to Mary M. Hyde;
 A bill (S. 5505) granting a pension to Kate M. Scott;
 A bill (S. 5506) granting a pension to Mary Fryer, now Gardner;
 A bill (S. 5507) granting a pension to Mary Priscilla Allen, now Barry;
 A bill (S. 5409) granting an increase of pension to John W. Phillips;
 A bill (S. 5559) granting an increase of pension to Adolphus Richardson;
 A bill (S. 5560) granting an increase of pension to James W. Harden;
 A bill (S. 5586) granting an increase of pension to John F. Townsend;
 A bill (S. 5622) granting an increase of pension to Georgina M. Mack;
 A bill (S. 5675) granting an increase of pension to Mary C. Holmes;
 A bill (S. 5681) granting an increase of pension to Merit C. Welsh;
 A bill (S. 5726) granting an increase of pension to Zadok S. Howe;
 A bill (S. 5868) granting an increase of pension to Hubert Bascombe; and
 A bill (S. 5869) granting an increase of pension to Martin Rodman.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I wish to say to the Senate that there are no controversies on the bill; there are no amendments which amount to anything; and I think we can easily pass it in the next hour or two. So I do not expect to take much time on the subject.

I ask that the formal reading be dispensed with and that the amendments of the committee be acted upon as they are reached.

The PRESIDENT pro tempore. The Senator from Maine asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in Schedule A, under the subhead "Salaries of ambassadors and ministers," on page 2, line 24, to increase the appropriation for the salary of the envoy extraordinary and minister plenipotentiary to Ecuador from \$5,000 to \$7,500.

The amendment was agreed to.

The next amendment was, on page 3, line 7, to increase the appropriation for the salary for the minister resident and consul-general to Persia from \$5,000 to \$7,500.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert:

Consul-general at Constantinople and agent at Sofia, \$5,000.

Mr. THURSTON. Mr. President, I make the point of order against this amendment. In the General Statutes of the United States, on page 297, the salary of this position is fixed by general law at \$3,000. I am not making this point of order because of anything that occurred yesterday, or because I believe in it, but there are some matters of amendment which may come up involving this same question, and I should like a decision of the Chair upon the case.

Mr. HALE. The two are united and put at \$5,000, the same as the consul-general and agent at Cairo. That is what the committee has done, and I am entirely willing to take the ruling of the Chair upon it. It is not in any way general legislation under the decision of the Senate the other day, and it does not increase the appropriation. The two have been united and put in one,

and are in at this place in the bill instead of another place. Also, it is estimated for by the Department.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 3, line 16, to increase the total appropriation for the salaries of ambassadors and ministers from \$382,500 to \$392,500.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 4, after line 19, to insert:

Secretary of legation to Roumania, Servia, and Greece, with residence at Athens, \$1,800.

The amendment was agreed to.

The next amendment was, on page 4, line 25, before the word "Turkey," to insert "Belgium, Netherlands," and on page 5, line 2, before the word "hundred," to strike out "seven thousand two" and insert "ten thousand eight;" so as to make the clause read:

Secretaries of legations to Belgium, Netherlands, Turkey, Austria, Spain, and Brazil, at \$1,800 each, \$10,800.

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to insert:

Second secretary of legation at Constantinople, Turkey, \$1,600.

The amendment was agreed to.

The next amendment was, on page 5, line 23, to increase the total appropriation for salaries of secretaries of embassies and legations from \$65,900 to \$72,900.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of interpreters to legations," on page 6, after line 8, to insert:

Five student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legations and consulates in China, at \$1,000 each, \$5,000.

The amendment was agreed to.

The next amendment was, on page 6, line 18, to increase the total appropriation for salaries of interpreters of legations from \$10,500 to \$15,500.

The amendment was agreed to.

The next amendment was, under the subhead "Rent of legation buildings and extension of legation grounds in China," on page 7, after line 23, to strike out:

Extension of legation grounds at Peking, \$20,000.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

Purchase of ground adjacent to the present legation grounds at Peking, China, and for the erection of necessary buildings thereon, \$40,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Transporting remains of diplomatic officers, consuls, and consular clerks to their homes for interment," on page 10, line 12, after the word "interment," to insert "at their post or at home;" so as to make the clause read:

Defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home, \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Repairs to legation and consular premises," on page 12, after line 12, to insert:

For safe-deposit vault for legation premises at Seoul, Korea, \$1,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was to strike out from line 1 on page 13 to line 10 on page 34, inclusive, as follows:

SALARIED CONSULAR OFFICES OF THE UNITED STATES, SCHEDULES, CLASSES, AND SALARIES.

Aarau, Switzerland, consul, Schedule B, class 5, \$2,000.
 Acapulco, Mexico, consul, Schedule B, class 5, \$2,000.
 Aden, Arabia, consul, Schedule B, class 6, \$1,500.
 Aix la Chappelle, Germany, consul, Schedule B, class 4, \$2,500.
 Alexandretta, Syria, consul, Schedule B, class 6, \$1,500.
 Amherstburg, Canada, consul, Schedule B, class 6, \$1,500.
 Amoy, China, consul, Schedule B, class 2, \$3,500.
 Amsterdam, Netherlands, consul, Schedule B, class 6, \$1,500.
 Annaberg, Germany, consul, Schedule B, class 4, \$2,500.
 Antigua, West Indies, consul, Schedule B, class 6, \$1,500.
 Antwerp, Belgium, consul-general, Schedule B, \$3,000.
 Apia and Nukualofa, consul-general, Schedule B, \$3,000.
 Asuncion, Paraguay, consul, Schedule B, class 6, \$1,500.
 Athens, Greece, consul, Schedule B, class 4, \$2,500.
 Auckland, New Zealand, consul, Schedule B, class 5, \$2,000.
 Bahia, Brazil, consul, Schedule B, class 4, \$2,500.
 Bamberg, Germany, consul, Schedule B, class 5, \$2,000.
 Barbados, West Indies, consul, Schedule B, class 4, \$2,500.

- Barcelona, Spain, consul-general, Schedule B, \$3,000.
 Barmen, Germany, consul, Schedule B, class 3, \$3,000.
 Barranquilla, Colombia, consul, Schedule B, class 5, \$2,000.
 Basel, Switzerland, consul, Schedule B, class 3, \$3,000.
 Batavia, Java, Schedule C, class 7, \$1,000.
 Beirut, Syria, consul, Schedule B, class 5, \$2,000.
 Belfast, Ireland, consul, Schedule B, class 3, \$3,000.
 Belize, Honduras, consul, Schedule B, class 6, \$1,500.
 Berlin, Germany, consul-general, Schedule B, \$4,000.
 Berne, Switzerland, consul, Schedule B, class 5, \$2,000.
 Birmingham, England, consul, Schedule B, class 4, \$2,500.
 Bombay, India, consul, Schedule B, class 5, \$2,000.
 Bordeaux, France, consul, Schedule B, class 3, \$3,000.
 Bradford, England, consul, Schedule B, class 3, \$3,000.
 Bremen, Germany, consul, Schedule B, class 4, \$2,500.
 Breslau, Germany, consul, Schedule B, class 6, \$1,500.
 Bristol, England, consul, Schedule B, class 6, \$1,500.
 Brockville, Ontario, consul, Schedule B, class 6, \$1,500.
 Brunswick, Germany, consul, Schedule B, class 5, \$2,000.
 Brussels, Belgium, consul, Schedule B, class 4, \$2,500.
 Buenos Ayres, Argentine Republic, consul, Schedule B, class 4, \$2,500.
 Cadiz, Spain, consul, Schedule B, class 6, \$1,500.
 Calais, France, consul, Schedule B, class 5, \$2,000.
 Calcutta, India, consul-general, Schedule B, \$5,000.
 Callao, Peru, consul, Schedule B, class 2, \$3,500.
 Canton, China, consul, Schedule B, class 2, \$3,500.
 Cape Haitien, Haiti, consul, Schedule C, class 7, \$1,000.
 Cape Town, Africa, consul-general, Schedule B, \$3,000.
 Cardiff, Wales, consul, Schedule B, class 5, \$2,000.
 Cartagena, Colombia, consul, Schedule B, class 6, \$1,500.
 Castellamare di Stabia, Italy, consul, Schedule B, class 6, \$1,500.
 Catania, Italy, consul, Schedule B, class 6, \$1,500.
 Ceylon, India, consul, Schedule B, class 6, \$1,500.
 Charlottetown, Prince Edward Island, consul, Schedule B, class 6, \$1,500.
 Chatham, Ontario, consul, Schedule B, class 5, \$2,000.
 Chefoo, China, consul, Schedule B, class 3, \$3,000.
 Chemnitz, Germany, consul, Schedule B, class 4, \$2,500.
 Chihuahua, Mexico, consul, Schedule B, class 5, \$2,000.
 Chinkiang, China, consul, Schedule B, class 3, \$3,000.
 Christiania, Norway, consul-general, Schedule B, \$1,500.
 Ciudad Juarez, Mexico, consul, Schedule B, class 4, \$2,500.
 Ciudad Porfirio Diaz, Mexico, consul, Schedule B, class 5, \$2,000.
 Coaticook, Quebec, consul, Schedule B, class 6, \$1,500.
 Coburg, Germany, consul, Schedule B, class 5, \$2,000.
 Collingwood, Canada, consul, Schedule B, class 5, \$2,000.
 Cologne, Germany, consul, Schedule B, class 5, \$2,000.
 Colon, Colombia, consul, Schedule B, class 3, \$3,000.
 Constantinople, Turkey, consul-general and agent at Sofia, Schedule B, \$5,000.
 Copenhagen, Denmark, consul, Schedule B, class 6, \$1,500.
 Cork, Ireland, consul, Schedule B, class 5, \$2,000.
 Cornwall, Canada, consul, Schedule B, class 6, \$1,500.
 Crefeld, Germany, consul, Schedule B, class 5, \$2,000.
 Curacao, West Indies, consul, Schedule B, class 5, \$2,000.
 Dawson City, Northwest Territory, consul, Schedule B, class 3, \$3,000.
 Demerara, Guiana, consul, Schedule B, class 3, \$3,000.
 Dresden, Germany, consul-general, Schedule B, \$3,000.
 Dublin, Ireland, consul, Schedule B, class 5, \$2,000.
 Dundee, Scotland, consul, Schedule B, class 4, \$2,500.
 Dunfermline, Scotland, consul, Schedule B, class 5, \$2,000.
 Durango, Mexico, consul, Schedule B, class 6, \$1,500.
 Dusseldorf, Germany, consul, Schedule B, class 5, \$2,000.
 Edinburgh, Scotland, consul, Schedule B, class 4, \$2,500.
 Ensenada, Mexico, consul, Schedule C, class 7, \$1,000.
 Erzerum, Turkey, consul, Schedule B, class 5, \$2,000.
 Florence, Italy, consul, Schedule B, class 6, \$1,500.
 Fort Erie, Ontario, consul, Schedule B, class 6, \$1,500.
 Frankfurt, Germany, consul-general, Schedule B, \$3,000.
 Freiburg, Germany, consul, Schedule B, class 6, \$1,500.
 Fuchau, China, consul, Schedule B, class 3, \$3,000.
 Funchal, Madeira, consul, Schedule B, class 6, \$1,500.
 Gaspe Basin, Quebec, consul, Schedule C, class 7, \$1,000.
 Geneva, Switzerland, consul, Schedule B, class 6, \$1,500.
 Genoa, Italy, consul, Schedule B, class 5, \$2,000.
 Ghent, Belgium, consul, Schedule B, class 5, \$2,000.
 Gibraltar, Spain, Schedule B, class 6, \$1,500.
 Glasgow, Scotland, consul, Schedule B, class 3, \$3,000.
 Glauchau, Germany, consul, Schedule B, class 5, \$2,000.
 Goderich, Ontario, consul, Schedule B, class 6, \$1,500.
 Gothenburg, Sweden, consul, Schedule B, class 6, \$1,500.
 Grenoble, France, consul, Schedule B, class 6, \$1,500.
 Guadeloupe, West Indies, consul, Schedule B, class 6, \$1,500.
 Guatemala City, Guatemala, consul-general, Schedule B, \$2,000.
 Guayaquil, Ecuador, consul-general, Schedule B, \$3,000.
 Guelph, Canada, consul, Schedule B, class 6, \$1,500.
 Halifax, Nova Scotia, consul-general, Schedule B, \$3,500.
 Hamburg, Germany, consul, Schedule B, class 4, \$2,500.
 Hamilton, Bermuda, consul, Schedule B, class 5, \$2,000.
 Hamilton, Ontario, consul, Schedule B, class 5, \$2,000.
 Hankau, China, consul, Schedule B, class 3, \$3,000.
 Hanover, Germany, consul, Schedule B, class 5, \$2,000.
 Harput, Turkey, consul, Schedule B, class 6, \$1,500.
 Havre, France, consul, Schedule B, class 2, \$3,500.
 Hongkong, China, consul-general, Schedule B, \$5,000.
 Huddersfield, England, consul, Schedule B, class 4, \$2,500.
 Hull, England, consul, Schedule B, class 6, \$1,500.
 Jerusalem, Syria, consul, Schedule B, class 4, \$2,500.
 Kehl, Germany, consul, Schedule B, class 5, \$2,000.
 Kingston, Jamaica, consul, Schedule B, class 3, \$3,000.
 Kingston, Ontario, consul, Schedule B, class 6, \$1,500.
 La Guayra, Venezuela, consul, Schedule B, class 5, \$2,000.
 La Rochelle, France, consul, Schedule B, class 6, \$1,500.
 Leeds, England, consul, Schedule B, class 5, \$2,000.
 Leghorn, Italy, consul, Schedule B, class 6, \$1,500.
 Leipzig, Germany, consul, Schedule B, class 5, \$2,000.
 Liege, Belgium, consul, Schedule B, class 6, \$1,500.
 Limoges, France, consul, Schedule B, class 6, \$1,500.
 Liverpool, England, consul, Schedule B, class 1, \$5,000.
 London, England, consul-general, Schedule B, \$5,000.
 London, Ontario, consul, Schedule B, class 5, \$2,000.
 Lourenco Marquez, Africa, consul, Schedule B, class 5, \$2,000.
 Lyons, France, consul, Schedule B, class 4, \$2,500.
 Magdeburg, Germany, consul, Schedule B, class 5, \$2,000.
 Mainz, Germany, consul, Schedule B, class 4, \$2,500.
 Malaga, Spain, consul, Schedule B, class 6, \$1,500.
 Malta, consul, Schedule B, class 5, \$2,000.
 Managua, Nicaragua, consul, Schedule B, class 5, \$2,000.
 Manchester, England, consul, Schedule B, class 3, \$3,000.
 Mannheim, Germany, consul, Schedule B, class 6, \$1,500.
 Maracaibo, Venezuela, consul-general, Schedule B, \$2,000.
 Marseilles, France, consul, Schedule B, class 4, \$2,500.
 Martinique, West Indies, consul, Schedule B, class 6, \$1,500.
 Matamoros, Mexico, consul, Schedule B, class 6, \$1,500.
 Mazatlan, Mexico, consul, Schedule B, class 5, \$2,000.
 Melbourne, Australia, consul-general, Schedule B, \$4,500.
 Messina, Italy, consul, Schedule B, class 6, \$1,500.
 Mexico City, Mexico, consul-general, Schedule B, \$4,000.
 Milan, Italy, consul, Schedule B, class 5, \$2,000.
 Monterey, Mexico, consul-general, Schedule B, \$2,000.
 Montevideo, Uruguay, consul, Schedule B, class 3, \$3,000.
 Montreal, Quebec, consul-general, Schedule B, \$4,000.
 Moscow, Russia, consul, Schedule B, class 6, \$1,500.
 Munich, Bavaria, consul, Schedule B, class 5, \$2,000.
 Nagasaki, Japan, consul, Schedule B, class 3, \$3,000.
 Nantes, France, consul, Schedule B, class 6, \$1,500.
 Naples, Italy, consul, Schedule B, class 5, \$2,000.
 Nassau, New Providence, consul, Schedule B, class 5, \$2,000.
 Newcastle-on-Tyne, England, consul, Schedule B, class 5, \$2,000.
 Niagara Falls, Ontario, consul, Schedule B, class 6, \$1,500.
 Nice, France, consul, Schedule B, class 6, \$1,500.
 Niuchwang, China, consul, Schedule B, class 3, \$3,000.
 Nogales, Mexico, consul, Schedule B, class 6, \$1,500.
 Nottingham, England, consul, Schedule B, class 3, \$3,000.
 Nuevo Laredo, Mexico, consul, Schedule B, class 5, \$2,000.
 Nuremberg, Germany, consul, Schedule B, class 3, \$3,000.
 Odessa, Russia, consul, Schedule B, class 5, \$2,000.
 Orillia, Ontario, consul, Schedule B, class 6, \$1,500.
 Osaka and Hiogo, Japan, consul, Schedule B, class 3, \$3,000.
 Ottawa, Ontario, consul-general, Schedule B, \$3,500.
 Palermo, Italy, consul, Schedule B, class 5, \$2,000.
 Panama, Colombia, consul-general, Schedule B, \$4,000.
 Para, Brazil, consul, Schedule B, class 5, \$2,000.
 Paris, France, consul-general, Schedule B, \$5,000.
 Patras, Greece, consul, Schedule C, class 7, \$1,000.
 Pernambuco, Brazil, consul, Schedule B, class 4, \$2,500.
 Plauen, Germany, consul, Schedule B, class 4, \$2,500.
 Port Hope, Ontario, consul, Schedule B, class 6, \$1,500.
 Port Louis, Mauritius, consul, Schedule B, class 5, \$2,000.
 Port Sarnia, Ontario, consul, Schedule B, class 6, \$1,500.
 Port Stanley, Falkland Islands, consul, Schedule B, class 6, \$1,500.
 Prague, Austria, consul, Schedule B, class 3, \$3,000.
 Prescott, Ontario, consul, Schedule B, class 6, \$1,500.
 Pretoria, South African Republic, consul, Schedule B, class 5, \$2,000.
 Progreso, Mexico, consul, Schedule B, class 6, \$1,500.
 Puerto Cabello, Venezuela, consul, Schedule B, class 6, \$1,500.
 Quebec, Quebec, consul, Schedule B, class 4, \$2,500.
 Reichenberg, Austria, consul, Schedule B, class 4, \$2,500.
 Rheims, France, consul, Schedule B, class 5, \$2,000.
 Rio de Janeiro, Brazil, consul-general, Schedule B, \$5,000.
 Rome, Italy, consul-general, Schedule B, \$3,000.
 Rosario, Argentine Republic, consul, Schedule B, class 6, \$1,500.
 Rotterdam, Netherlands, consul, Schedule B, class 4, \$2,500.
 Roubaix, France, consul, Schedule B, class 5, \$2,000.
 St. Etienne, France, consul, Schedule B, class 5, \$2,000.
 St. Gall, Switzerland, consul-general, Schedule B, \$3,000.
 St. Helena, consul, Schedule B, class 6, \$1,500.
 St. Hyacinthe, Quebec, consul, Schedule B, class 6, \$1,500.
 St. John, New Brunswick, consul, Schedule B, class 5, \$2,000.
 St. Johns, Newfoundland, consul, Schedule B, class 6, \$1,500.
 St. Johns, Quebec, consul, Schedule B, class 6, \$1,500.
 St. Michaels, Azores, consul, Schedule B, class 6, \$1,500.
 St. Petersburg, Russia, consul-general, Schedule B, \$3,000.
 St. Stephen, New Brunswick, consul, Schedule B, class 6, \$1,500.
 St. Thomas, Ontario, consul, Schedule B, class 5, \$2,000.
 St. Thomas, West Indies, consul, Schedule B, class 4, \$2,500.
 Saltillo, Mexico, consul, Schedule C, class 7, \$1,000.
 San Jose, Costa Rica, consul, Schedule B, class 5, \$2,000.
 San Juan del Norte, Nicaragua, consul, Schedule B, class 4, \$2,500.
 San Salvador, Salvador, consul, Schedule B, class 5, \$2,000.
 Santo Domingo, Dominican Republic, consul-general, Schedule B, \$2,000.
 Santos, Brazil, consul, Schedule B, class 4, \$2,500.
 Shanghai, China, consul-general, Schedule B, \$5,000.
 Sheffield, England, consul, Schedule B, class 4, \$2,500.
 Sherbrooke, Canada, consul, Schedule B, class 5, \$2,000.
 Sierra Leone, Africa, consul, Schedule B, class 6, \$1,500.
 Singapore, Straits Settlements, consul-general, Schedule B, \$3,000.
 Sivas, Turkey, consul, Schedule B, class 6, \$1,500.
 Smyrna, Turkey, consul, Schedule B, class 4, \$2,500.
 Solingen, Germany, consul, Schedule B, class 5, \$2,000.
 Southampton, England, consul, Schedule B, class 4, \$2,500.
 Stettin, Germany, consul, Schedule C, class 7, \$1,000.
 Stratford, Canada, consul, Schedule B, class 6, \$1,500.
 Stuttgart, Germany, consul, Schedule B, class 4, \$2,500.
 Swansea, Wales, consul, Schedule B, class 4, \$2,500.
 Sydney, New South Wales, consul, Schedule B, class 5, \$2,000.
 Sydney, Nova Scotia, consul, Schedule B, class 6, \$1,500.
 Tahiti, Society Islands, consul, Schedule C, class 7, \$1,000.
 Tamatave, Madagascar, consul, Schedule B, class 5, \$2,000.
 Tampico, Mexico, consul, Schedule B, class 5, \$2,000.
 Tamsui, Formosa, consul, Schedule B, class 6, \$1,500.
 Tangier, Morocco, consul-general, Schedule B, \$2,000.
 Tegucigalpa, Honduras, consul, Schedule B, class 5, \$2,000.
 Three Rivers, Canada, consul, Schedule B, class 6, \$1,500.
 Tien-Tsin, China, consul, Schedule B, class 2, \$3,500.
 Toronto, Canada, Schedule B, class 5, \$2,000.
 Trieste, Austria, consul, Schedule B, class 5, \$2,000.
 Trinidad, West Indies, consul, Schedule B, class 5, \$2,000.
 Tunstall, England, consul, Schedule B, class 4, \$2,500.
 Turin, Italy, consul, Schedule C, class 7, \$1,000.
 Utiilla, Honduras, consul, Schedule C, class 7, \$1,000.
 Valencia, Spain, consul, Schedule B, class 6, \$1,500.
 Valparaiso, Chile, consul, Schedule B, class 3, \$3,000.
 Vancouver, British Columbia, consul, Schedule B, class 5, \$2,000.
 Venice, Italy, consul, Schedule B, class 6, \$1,500.
 Vera Cruz, Mexico, consul, Schedule B, class 3, \$3,000.
 Victoria, British Columbia, consul, Schedule B, class 4, \$2,500.
 Vienna, Austria, consul-general, Schedule B, \$3,500.
 Vladivostok, Siberia, consul, Schedule B, class 4, \$2,500.

Wallaceburg, Ontario, consul, Schedule B, class 6, \$1,500.
 Weimar, Germany, consul, Schedule B, class 5, \$2,000.
 Windsor, Nova Scotia, consul, Schedule C, class 7, \$1,000.
 Windsor, Ontario, consul, Schedule B, class 6, \$1,500.
 Winnipeg, Manitoba, consul, Schedule B, class 6, \$1,500.
 Woodstock, New Brunswick, consul, Schedule B, class 6, \$1,500.
 Yarmouth, Nova Scotia, consul, Schedule B, class 6, \$1,500.
 Yokohama, Japan, consul-general, Schedule B, \$4,000.
 Zanzibar, Zanzibar, consul, Schedule B, class 5, \$2,000.
 Zittau, Germany, consul, Schedule B, class 6, \$1,500.
 Zurich, Switzerland, consul, Schedule B, class 4, \$2,500.

And in lieu thereof insert:

SCHEDULE B.—SALARIES, CONSULAR SERVICE.
 CONSULS-GENERAL.

For salaries of consuls-general at the following places, namely: Calcutta, Hongkong, London, Paris, Rio de Janeiro, and Shanghai, at \$5,000 each, \$30,000.

Melbourne, \$4,500.
 Berlin, Mexico, Montreal, Ottawa, Panama, and Yokohama, at \$4,000 each, \$24,000.

Halifax and Vienna, at \$3,500 each, \$7,000.
 Antwerp, Apia, Barcelona, Cape Town (Africa), Dresden, Frankfurt, Guayaquil, Rome, St. Gall, St. Petersburg, and Singapore, at \$3,000 each, \$33,000.

Marseilles and Monterey, at \$2,500 each, \$5,000.
 Coburg, Guatemala, Maracaibo, Tangier, and Santo Domingo, at \$2,000 each, \$10,000.

Christiania, \$1,500.
 Total for salaries of consuls-general, \$115,000.

CONSULS.

For salaries of consuls at the following places, namely:

CLASS I.

At \$5,000 per annum.
 Liverpool, England.

CLASS II.

At \$3,500 per annum.
 Amoy, China.
 Callao, Peru.
 Canton, China.
 Havre, France.
 Tientsin, China.

CLASS III.

At \$3,000 per annum.
 Barmen, Germany.
 Basle, Switzerland.
 Belfast, Ireland.
 Bordeaux, France.
 Bradford, England.
 Chefoo, China.
 Chin Kiang, China.
 Colon, Colombia.
 Dawson City, Northwest Territory.
 Demerara, Guiana.
 Fuchau, China.
 Glasgow, Scotland.
 Hankau, China.
 Kingston, Jamaica.
 Manchester, England.
 Montevideo, Uruguay.
 Nagasaki, Japan.
 Niu-chwang, China.
 Nottingham, England.
 Nuremberg, Germany.
 Osaka and Hiogo, Japan.
 Prague, Austria.
 Quebec, Canada.
 Valparaiso, Chile.
 Vera Cruz, Mexico.

CLASS IV.

At \$2,500 per annum.
 Aix la Chapelle, Germany.
 Annaberg, Germany.
 Athens, Greece.
 Bahia, Brazil.
 Barbados, West Indies.
 Birmingham, England.
 Bremen, Germany.
 Brussels, Belgium.
 Buenos Ayres, Argentine Republic.
 Chemnitz, Germany.
 Ciudad Juarez, Mexico.
 Dundee, Scotland.
 Edinburgh, Scotland.
 Hamburg, Germany.
 Huddersfield, England.
 Jerusalem, Syria.
 Lourenco Marquez, Africa.
 Lyons, France.
 Mainz, Germany.
 Odessa, Russia.
 Para, Brazil.
 Pernambuco, Brazil.
 Plauen, Germany.
 Reichenberg, Austria.
 Rotterdam, Netherlands.
 St. Thomas, West Indies.
 San Juan del Norte, Nicaragua.
 Santos, Brazil.
 Sheffield, England.
 Smyrna, Turkey.
 Southampton, England.
 Stuttgart, Germany.
 Swansea, Wales.
 Tunstall, England.
 Victoria, British Columbia.
 Vladivostok, Siberia.
 Zurich, Switzerland.

CLASS V.

At \$2,000 per annum.
 Aarau, Switzerland.
 Acapulco, Mexico.

Asuncion, Paraguay.
 Auckland, New Zealand.
 Bamberg, Germany.
 Barranquilla, Colombia.
 Beirut, Syria.
 Berne, Switzerland.
 Bombay, India.
 Brunswick, Germany.
 Calais, France.
 Cardiff, Wales.
 Chatham, Canada.
 Chihuahua, Mexico.
 Ciudad Porfirio Diaz, Mexico.
 Collingwood, Canada.
 Cologne, Germany.
 Copenhagen, Germany.
 Cork, Ireland.
 Crefeld, Germany.
 Curacao, West Indies.
 Dublin, Ireland.
 Dunfermline, Scotland.
 Dusseldorf, Germany.
 Erzerum, Turkey.
 Genoa, Italy.
 Ghent, Belgium.
 Glauchau, Germany.
 Hamilton, Bermuda.
 Hamilton, Ontario.
 Hanover, Germany.
 Kehl, Germany.
 La Guayra, Venezuela.
 Leeds, England.
 Leghorn, Italy.
 Liege, Belgium.
 Leipsic, Germany.
 London, Canada.
 Magdeburg, Germany.
 Malta, Great Britain.
 Managua, Nicaragua.
 Mazatlan, Mexico.
 Milan, Italy.
 Munich, Bavaria.
 Naples, Italy.
 Nassau, New Providence.
 Newcastle-on-Tyne, England.
 Nuevo Laredo, Mexico.
 Palermo, Italy.
 Port Louis, Mauritius.
 Port Stanley, Falkland Islands.
 Pretoria, South African Republic.
 Rheims, France.
 Roubaix, France.
 St. Etienne, France.
 St. John, New Brunswick.

Mr. HALE. At that point, after line 22, on page 40, I move to insert:

St. Johns, Newfoundland.

This consulate was not inserted, for the reason that the estimate came to the committee after the bill had been reported.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, after line 22, it is proposed to insert:

St. Johns, Newfoundland.

The amendment to the amendment was agreed to.

The reading of the amendment of the Committee on Appropriations was resumed and continued, as follows:

St. Thomas, Canada.
 San Jose, Costa Rica.
 San Salvador, Salvador.
 Castellamare di Stabia, Italy.
 Catania, Italy.
 Ceylon, India.
 Charlottetown, Prince Edward Island.
 Coaticook, Canada.
 Cornwall, Canada.
 Durango, Mexico.
 Florence, Italy.
 Fort Erie, Canada.
 Freiburg, Germany.
 Funchal, Madeira.
 Geneva, Switzerland.
 Gibraltar, Spain.
 Goderich, Canada.
 Gothenberg, Sweden.
 Grenoble, France.
 Guadeloupe, West Indies.
 Guelph, Canada.
 Harput, Turkey.
 Hull, England.
 Kingston, Canada.
 La Rochelle, France.
 Limoges, France.
 Malaga, Spain.
 Mannheim, Germany.
 Sherbrooke, Canada.
 Solingen, Germany.
 Sydney, New South Wales.
 Tamatave, Madagascar.
 Tampico, Mexico.
 Tegucigalpa, Honduras.
 Toronto, Canada.
 Trieste, Austria.
 Trinidad, West Indies.
 Vancouver, British Columbia.
 Weimar, Germany.
 Zanzibar, Zanzibar.

CLASS VI.

At \$1,500 per annum.
 Aden, Arabia.
 Alexandretta, Syria.
 Amherstburg, Canada.
 Amsterdam, Netherlands.
 Antigua, West Indies.
 Belize, Honduras.
 Breslau, Germany.
 Bristol, England.
 Brockville, Canada.
 Cadiz, Spain.
 Cartagena, Colombia.
 Martinique, West Indies.
 Matamoros, Mexico.
 Messina, Italy.
 Moscow, Russia.
 Nantes, France.
 Niagara Falls, Canada.
 Nice, France.
 Nogales, Mexico.
 Orillia, Canada.
 Port Hope, Canada.
 Port Sarnia, Canada.
 Prescott, Canada.
 Progreso, Mexico.
 Puerto Cabello, Venezuela.
 Rosario, Argentine Republic.
 St. Christopher, West Indies.
 St. Helena, Canada.
 St. Hyacinthe, Canada.
 St. Johns, Newfoundland.

Mr. HALE. I move to strike out "St. Johns, Newfoundland," in line 19, which has just been read, for the reason that it has been inserted in another part of the bill.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 43 it is proposed to amend the amendment of the committee, in line 19, by striking out:

St. Johns, Newfoundland.

The amendment to the amendment was agreed to.

The reading of the amendment of the Committee on Appropriations was resumed and continued to the end of line 4 on page 44, as follows:

St. Johns, Quebec.
 St. Michaels, Azores.
 St. Pierre, St. Pierre Island.
 St. Stephen, New Brunswick.
 Sierra Leone, Africa.
 Sivas, Turkey.
 Stettin, Germany.
 Stratford, Canada.
 Sydney, Nova Scotia.
 Tamsui, Formosa.

Mr. HALE. At that point, after line 4 on page 44, I move to insert "Teneriffe, Spain."

The amendment to the amendment was agreed to.

The reading of the amendment reported by the Committee on Appropriations was resumed and continued, as follows:

Three Rivers, Canada.
 Valencia, Spain.
 Venice, Italy.
 Wallaceburg, Canada.
 Windsor, Ontario.
 Winnipeg, Manitoba.
 Woodstock, New Brunswick.
 Yarmouth, Nova Scotia.
 Zittau, Germany.

SCHEDULE C.
CLASS VII.

At \$1,000 per annum:
 Batavia, Java.
 Cape Haitien, Haiti.
 Ensenada, Mexico.
 Gaspe Basin, Canada.
 Patras, Greece.

Mr. HALE. At that point, after line 21, on page 44, I move to insert:

Rouen, France.

The amendment to the amendment was agreed to.

The reading of the amendment of the Committee on Appropriations was resumed and concluded, as follows:

Saltillo, Mexico.
 Tahiti, Society Islands.
 Turin, Italy.
 Utiilla, Honduras.
 Windsor, Nova Scotia.
 Total, salaries of consuls, \$453,000.

The amendment was agreed to.

The PRESIDENT pro tempore. Do not the amendments which have been made require a change of the total?

Mr. HALE. The clerks will change the total to correspond with the amendments which have been made.

The PRESIDENT pro tempore. That course will be pursued, in the absence of objection. The question is on the amendment of the Committee on Appropriations as it has been amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, under the subhead "Allowances for clerk hire at United States consulates," on page 45, after line 16, to strike out:

Aarau, Switzerland, \$600.
 Aix la Chapelle, Germany, \$640.
 Antwerp, Belgium, \$1,500.
 Barmen, Germany, \$1,200.
 Beirut, Syria, \$150.
 Belfast, Ireland, \$1,000.
 Berlin, Germany, \$1,200.
 Berne, Switzerland, \$450.
 Birmingham, England, \$960.
 Bordeaux, France, \$1,200.
 Bradford, England, \$1,800.
 Bremen, Germany, \$1,200.
 Brussels, Belgium, \$800.
 Cairo, Egypt, \$600.
 Calcutta, India, \$800.
 Canton, China, \$600.
 Chemnitz, Germany, \$1,200.
 Ciudad Juarez, Mexico, \$640.
 Ciudad Porfirio Diaz, Mexico, \$640.
 Coburg, Germany, \$1,000.
 Cologne, Germany, \$600.
 Colon, Colombia, \$800.
 Constantinople, Turkey, \$600.
 Crefeld, Germany, \$1,200.
 Demerara, British Guiana, \$480.
 Dresden, Germany, \$800.
 Dundee, Scotland, \$800.
 Edinburgh, Scotland, \$640.
 Florence, Italy, \$180.
 Frankfort, Germany, \$1,200.
 Genoa, Italy, \$480.
 Glasgow, Scotland, \$800.
 Guayaquil, Ecuador, \$800.
 Halifax, Nova Scotia, \$640.
 Hamburg, Germany, \$1,200.
 Havre, France, \$1,200.
 Hongkong, China, \$1,200.
 Huddersfield, England, \$600.
 Kehl, Germany, \$500.
 Kingston, Jamaica, \$800.
 Leipzig, Germany, \$800.
 Liverpool, England, \$2,000.
 London, England, \$3,000.
 Lyons, France, \$1,200.
 Malaga, Spain, \$480.
 Mainz, Germany, \$600.
 Manchester, England, \$1,200.
 Mannheim, Germany, \$480.
 Maracaibo, Venezuela, \$800.
 Marseilles, France, \$960.
 Melbourne, Australia, \$800.
 Messina, Italy, \$800.
 Mexico City, Mexico, \$1,200.
 Monterey, Mexico, \$800.
 Montreal, Quebec, \$1,200.
 Munich, Germany, \$600.
 Naples, Italy, \$800.
 Newcastle-on-Tyne, England, \$600.
 Nottingham, England, \$600.
 Nuremberg, Germany, \$800.
 Odessa, Russia, \$600.
 Osaka and Hiogo, Japan, \$1,200.
 Ottawa, Ontario, \$1,200.
 Palermo, Italy, \$800.
 Panama, Colombia, \$800.
 Para, Brazil, \$900.
 Paris, France, \$2,600.
 Pernambuco, Brazil, \$600.
 Port au Prince, Haiti, \$800.
 Prague, Austria, \$720.
 Rio de Janeiro, Brazil, \$1,600.
 Rotterdam, Netherlands, \$1,200.
 Saint Gall, Switzerland, \$800.
 Shanghai, China, \$1,600.
 Sheffield, England, \$800.
 Singapore, Straits Settlements, \$800.
 Smyrna, Turkey, \$800.
 Southampton, England, \$1,750.
 Stuttgart, Germany, \$480.
 Tampico, Mexico, \$600.
 Tangier, Morocco, \$800.
 Toronto, Ontario, \$800.
 Tunstall, England, \$800.
 Vancouver, British Columbia, \$800.
 Vera Cruz, Mexico, \$800.
 Victoria, British Columbia, \$800.
 Vienna, Austria, \$1,200.
 Yokohama, Japan, \$1,200.
 Zurich, Switzerland, \$600.

And in lieu thereof to insert:

For allowance for clerk hire at consulates as follows:

London, \$3,000;
 Paris, \$2,600;
 Liverpool, \$2,000;
 Bradford, \$1,800;
 Southampton, \$1,750;
 Rio de Janeiro and Shanghai, at \$1,600 each, \$3,200;
 Antwerp, \$1,500;
 Barmen, Berlin, Bordeaux, Bremen, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Hongkong, Lyons, Manchester, Mexico (city), Montreal, Osaka and Hiogo, Ottawa, Rotterdam, Vienna, and Yokohama, at \$1,200 each, \$22,800;
 Belfast and Coburg, at \$1,000 each, \$2,000;
 Birmingham and Marseilles, at \$960 each, \$1,920;
 Beirut, Brussels, Calcutta, Colon, Dresden, Dundee, Glasgow, Guayaquil, Kingston (Jamaica), Leipzig, Maracaibo, Melbourne, Messina, Monterey, Naples, Nuremberg, Palermo, Panama, Port au Prince, St. Gall, Sheffield, Singapore, Smyrna, Tangier, Tunstall, Vancouver, Vera Cruz, and Victoria, at \$800 each, \$23,200.

Mr. HALE. In line 9, on page 50, after the name "Tangier," I move to insert "Toronto."

The amendment to the amendment was agreed to.

Mr. HALE. In line 10 the total should be changed from "\$23,200" to "\$24,000."

The PRESIDENT pro tempore. The change of total will be made in the absence of objection.

The reading of the amendment of the Committee on Appropriations was resumed and continued to the end of line 25, on page 50, as follows:

Prague, \$720;
Aix la Chapelle, Ciudad Juarez, Ciudad Porfirio Diaz, Edinburgh, and Halifax, at \$940 each, \$3,200;
Aarau, Canton, Cologne, Constantinople, Huddersfield, Mainz, Munich, Newcastle-on-Tyne, Nottingham, Odessa, Para, Pernambuco, Tampico, and Zurich, at \$600 each, \$9,000;
Kehl, \$500;
Berne, Demerara, Florence, Genoa, Malaga, Mannheim, and Stuttgart, at \$480 each, \$3,360;
Total, clerk hire, \$82,550.

Mr. HALE. The total in lines 24 and 25, on page 50, should be changed from "\$82,550" to "\$83,350."

The PRESIDENT pro tempore. That amendment to the amendment of the committee will be made in the absence of objection. The question now is on the amendment of the committee as it has been amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Expenses of prisons for American convicts," on page 52, line 4, after the word "Turkey," to insert "and for such miscellaneous expenses in connection therewith as may be approved by the Secretary of State," so as to read:

Paying for the keeping and feeding of prisoners in China, Korea, Siam, and Turkey, and for such miscellaneous expenses in connection therewith as may be approved by the Secretary of State, \$9,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 17, to insert:

Wages of prison keeper in Korea, \$600.

The amendment was agreed to.

The next amendment was, on page 52, line 19, to increase the total appropriation for "Expenses of prisons for American convicts" from "\$12,550" to "\$13,150."

The amendment was agreed to.

The next amendment was, under the subhead "Publication of diplomatic, consular, and other commercial reports," on page 53, line 20, before the word "dollars," to strike out "five thousand five hundred" and insert "six thousand;" so as to read:

Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, \$30,000; and of this sum the Secretary of State is authorized to expend not exceeding \$6,000 for services of employees in the Bureau of Foreign Commerce (formerly the Bureau of Statistics), Department of State, in the work of compiling and distributing such reports, etc.

The reading of the bill was concluded.

The PRESIDENT pro tempore. On page 45, line 3, the Chair would suggest that the total appropriations under Schedule C should be "\$456,000," instead of "\$453,000," as it appears in the committee amendment.

Mr. HALE. I ask that that correction may be made.

The PRESIDENT pro tempore. That change will be made in the absence of objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. THURSTON. I am appealed to by Senators to allow the fortifications appropriation bill to be considered at this time, on the suggestion that it is a very short bill, which will probably lead to no discussion, and that it will be passed in a very few minutes.

Mr. BUTLER. I think the Senator had better take up the conference report on the Indian appropriation bill, because the fortifications appropriation bill probably can not pass this evening.

Mr. THURSTON. On the suggestion that there will be more or less extended discussion on the fortifications appropriation bill, I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nebraska moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipula-

tions with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

Mr. THURSTON. Mr. President, I feel called upon at this time to make a brief statement with respect to the report.

Mr. NELSON. Will the Senator from Nebraska allow me?

Mr. THURSTON. I think I prefer to make my statement.

Mr. NELSON. I do not want to take up time. I simply desire to say that I intend to make a point of order against the conference report, and that I do not want to lose my opportunity by having the case considered on its merits before the point of order is considered.

Mr. THURSTON. I think the Senator will have ample opportunity afterwards.

Mr. NELSON. If I can make my point of order afterwards, it will be all right.

Mr. THURSTON. There is no question about it.

The PRESIDING OFFICER (Mr. LODGE in the chair). The Chair will entertain the point of order.

Mr. NELSON. My point of order is that the conference committee have exceeded their jurisdiction and have incorporated a subject-matter entirely foreign to the matter in conference submitted to them, and I shall point to specifications by and by.

The PRESIDING OFFICER. In the opinion of the Chair, that is a question which must be settled by the Senate.

Mr. NELSON. I want to argue the point of order, Mr. President.

Mr. THURSTON. Mr. President—

Mr. GALLINGER. If the Senator from Nebraska will permit me, I can not conceive how a point of order can be made against a conference report.

The PRESIDING OFFICER. It can not be made.

Mr. GALLINGER. The suggestion of the Senator from Minnesota may be just ground for refusing to agree to the report, but that a point of order can be made against it seems to me ridiculous.

The PRESIDING OFFICER. The Senator from New Hampshire is entirely right. It can only be decided by the Senate as a matter of fact whether conferees have exceeded their powers.

Mr. THURSTON. Mr. President, I wish to advise the Senate on behalf of the conference committee that two matters have been embodied in the conference report that were not directly at issue between the two Houses. The conference committee has no desire that the Senate should act without a full understanding of the question as to whether or not we have in this report exceeded our powers.

There was a provision that the committee reported on the bill providing for the ratification of a sand lease entered into by the Six Nations of New York. The amendment proposed by the committee was presented to the Senate, and on the floor of the Senate was stricken out after discussion. When we went into conference it appeared that the conferees on the part of the House were very insistent that this provision should be restored to the bill, and to a certain extent—and, as it seemed to us, to a justifiable extent—there was an amendment in difference between the two Houses covering the affairs of the Seneca Nation of New York to which could be placed as an amendment the ratification of this lease.

The lease in question was for the taking of sand from the shore of Lake Erie on the lands of the Indian nations. There was a question presented on the floor of the Senate that there was a conflict as to title, and that certain individual members of the tribe claimed the right to the possession of the particular piece of land where the sand was situated. It was therefore suggested that the matter was now in litigation in the courts of New York, and that the amendment ought not to be placed on the bill on account of that litigation.

It is a very small matter. It involves but a very few dollars either to the nation or the individual members of the tribe. But your committee believe that this is the fact: The particular part of the lake shore where this land is situated, as we are convinced, was never fenced in or used or occupied by the individual member of the tribe who now claims the right to lease the land. It was clearly the real estate of the nation. A question came up as to leasing the right to take sand from the shore. One party bid the amount specified in this lease, and the other party, who has subsequently claimed to have a lease from the individual, put in a bid at about half of the figure of the bid that the nation accepted. The nation granted the lease. It was entered into, and then proceedings were begun in the courts of New York State, by the other party who had rented from one individual, to enforce his lease.

Now, the committee believe and take this position, and I want to state it more especially to the Senator from Wisconsin, who objected on the floor of the Senate that we ought not to interfere in litigation. The committee agrees with him on that point, but here is a lease which can not be pleaded in court unless and until it is approved by the Congress of the United States. We believe the approval of Congress is just like the attachment of a seal to a

deed or a lease where a seal is necessary. It simply perfects the instrument. It does not decide in any way on the question of title. It does not prejudice the other claimant from enforcing any rights he may have in the courts of New York. On the other hand, it does this and only this: It enables the lessee of the nation to plead his lease in court, and gives the court jurisdiction to determine as to whether or not the title or the possessory right is in the individual or in the nation.

So we believe, while it is a very little matter, that it is one that is justified; that it ought to be put into this bill; that the House conferees, who insisted upon it, are right; that it changes the legal status of the parties not at all, except to give the court full jurisdiction to determine the question as to whether the nation or the individual owns the land. While we have run very close to the line in putting in this amendment, I believe and we believe, I think, that it is a case where our action should be excused and ratified by the Senate.

The only other case where we have ventured to place an amendment upon the bill, which perhaps had not been considered by either House of Congress, was as to amendment No. 50 of the bill as it passed the Senate. Amendment No. 50 provided for the employment of Indian scouts or fire wardens to protect the timber on the Red Lake and White Earth reservations in Minnesota. In agreeing to this amendment in conference your committee believed that it was very proper, while providing for the protection to the timber on those reservations, to provide at the same time for the gradual disposition of the timber upon those lands, which constitutes their chief and perhaps their only value. We added what seemed to us to be a very innocent clause—a very proper provision—and one as to which I am not yet able to understand why the Senators from Minnesota enter a protest. I shall be very glad to hear what they have to say upon that point.

But the situation is just this: We were asked to protect pine timber on those reservations from fire by an appropriation of money by Congress. We felt that these Indian lands ought to be put in a position where their value would be available to the Indians. We therefore inserted as an addition to the amendment the following:

Provided, That the Secretary of the Interior is authorized to sell and dispose of the timber on said reservation at such prices and under such regulations as he may prescribe, the proceeds thereof to be disposed of under the provisions of existing law.

I do not care further to discuss this amendment until I have heard from the Senator from Minnesota. I think he agrees with us that it is a proper thing to provide for the disposition of this pine timber, and the only question the Senate ought to consider is whether or not we have provided sufficient safeguards for the protection of the rights of the Indians; whether in giving the Secretary of the Interior power to dispose of this timber, under rules and regulations to be prescribed by him, we have sufficiently safeguarded the Indian rights. I can not understand why any other question arises as to this particular amendment. While this particular matter of disposing of this timber on the reservation was not directly in the bill as it left the House or the Senate, I do believe that the amendment, in the interest of the same timber that the amendment did apply to, is germane to the subject and is a proper matter for the conference committee to report.

Outside of these two matters, Mr. President, there has been no very serious difference between the committee, except as to five provisions upon which we report a disagreement. Amendment 45, upon which we have failed to reach an agreement, is in regard to the matter of the appointment of town-site commissioners in the Choctaw and Chickasaw nations. I think I am justified in saying to the Senate that there is no serious difference in the conference committee over this provision, and that on further conference any differences that now exist will be satisfactorily settled.

As to amendment numbered 51 the committee has so far failed to agree. That is the important amendment so thoroughly discussed on the floor of the Senate, providing for an investigation and report as to the feasibility and practicability of the construction of a dam on the Gila River in Arizona. That was very thoroughly discussed on the floor of the Senate. The Senate by a decisive vote retained this provision of the bill, and I merely suggest that it would be my wish, as one of the conferees, that the Senate should stand by the committee as to this amendment, and, so far as our present disagreement is concerned, I see no reason, after the full discussion already had upon this amendment, why the Senate on this report of a disagreement should find it necessary to discuss this question further at the present time. I hope the Senate, acting upon the discussion that has already been had, will insist upon this amendment and refer the matter back to a new conference.

The next amendment is numbered 52, upon which we disagree. It is in regard to mineral lands in Indian reservations. There is a wide difference of view among the members of the conference committee, but we have reached a point where it seemed probable

that we would and could ultimately agree upon a modified provision with reference to the leasing of mineral lands. I think we can assure the Senate that on further conference we can obviate any disagreement in the conference committee on this amendment.

The next is amendment numbered 56, relating to the approval of the rolls made by the Commission to the Five Civilized Tribes. On this amendment there is no serious existing difference in the conference committee, and I think I can assure the Senate that on further conference we will have no difficulty in reaching an agreement.

That leaves amendment 62, which is the matter of referring the Sisseton and Wahpeton claim to the Court of Claims. It was quite thoroughly discussed; and I would suggest and will ask that as to that amendment for the present at least the Senate insist upon it, and that it be returned to conference.

On this statement, Mr. President, I move the adoption of the report of the committee of conference.

Mr. NELSON obtained the floor.

The PRESIDING OFFICER. The Chair desires to make a statement in regard to the point of order which the Senator from Minnesota has raised.

Mr. NELSON. I hope the Chair will give me a hearing on the point of order.

The PRESIDING OFFICER. Assuredly. The Chair wishes merely to say that speaking on a first impression the Chair thought it was a question of fact to be submitted to the Senate. Since then the Chair has examined the precedents on this question. It finds that it has been held in the House by Mr. Clay, Mr. Blaine, and Mr. Speaker Crisp that the point of order being raised that new matter had been inserted, it could be ruled upon by the Chair, and if, in the opinion of the Chair, new matter has been inserted, the point of order would be sustained and the conference report would be rejected. The practice of the Senate, the Chair finds, has been when a point of order has been raised, to submit it to the Senate, so that the Chair's original statement appears to have been correct.

The Chair will state that in 1888, July 5, the report of a conference committee was submitted, when the point of order was raised that the report was irregular in that it recommended a change in the text of a clause that had already been agreed upon by the two Houses; and on the submission of the question to the Senate the Senate decided the point of order to be well taken. The Vice-President, Mr. Hobart, decided that it was not in the province of the Chair, during the progress of its presentation, to decide that matter had been inserted which was new or not relevant, but that such questions should go before the Senate when it came to vote on the adoption or rejection of the report. The opinion of the present occupant of the chair would be, on these precedents, that the point of order can be raised, and then it should be submitted to the Senate.

Mr. NELSON. Mr. President, I protest against having the Chair rule on the point of order before I can be heard. It is utterly unfair.

The PRESIDING OFFICER. The Senator from Minnesota misunderstands completely the Chair.

Mr. PLATT of Connecticut (to Mr. NELSON). You are favored.

The PRESIDING OFFICER. The Chair has not ruled on the point of order in any way. The Chair has held that the Senator from Minnesota can make the point of order, but that after he has made it and argued it it is then proper for the Chair to submit it to the Senate instead of deciding it himself, as has been the custom in the House.

Mr. NELSON. Mr. President, this conference report, to my mind, is contrary to a principle vital to the integrity of the proceedings of this body. It involves the question whether the conferees upon any bill can interpolate and add new matter not germane to the subject in controversy, not germane to the subject submitted to them and about which they confer, and put something into the bill that never has been considered or discussed in this Chamber, or in either House for that matter. If that can be done, what protection have we in this body against legislation of a dangerous character? If our conferees can at their own sweet will insert items in a conference report that are entirely new and not germane to a subject committed to them, we are entirely at the mercy of our conferees and legislation becomes a dangerous thing.

Now, what are the facts in this case? It is not a question as to the merits of the new matter. The question is whether it is germane or pertinent to the matter in conference. Amendment 50 of this bill, incorporated into the bill in the Senate, is as follows:

To enable the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, to employ, for a period of not to exceed three months, during dry and dangerous weather, not to exceed twenty-four mounted men, to be selected solely with reference to fitness, Indians to be preferred and employed if possible, at a salary of not to exceed \$60 per month each, every man so employed to furnish a horse at his own expense,

provide forage for the same, and pay all other necessary incidental expenses, for the purpose of—

Now, here is the object—

Patrolling, guarding against, and extinguishing forest fires on the Red Lake and White Earth Indian reservations in Minnesota, the sum of \$4,320, or so much thereof as may be necessary, to be immediately available.

Here is an amendment in the bill which simply provides that the Secretary of the Interior can employ persons, Indians to be preferred, to patrol these reservations for the purpose of protecting them against forest fires. The conferees have agreed to that amendment with an addition, a matter entirely foreign to the amendment. Here is what they have added:

Provided, That the Secretary of the Interior is authorized to sell and dispose of the timber on said reservation at such prices and under such regulations as he may prescribe, the proceeds thereof to be disposed of under the provisions of existing law.

Here is a provision incorporated that gives the Secretary of the Interior absolute power to dispose of every bit of timber on those reservations on such terms and at such prices as he may see fit. This matter relates to two Indian reservations in Minnesota, the White Earth and Red Lake reservations, embracing in round numbers about a million and a half acres. There are hundreds and thousands of acres of timber lands in those reservations, and it is an important question how that timber shall be disposed of.

Minnesota is represented in the Senate by two Senators. The question as to how this timber shall be disposed of ought to receive some consideration at their hands. This provision was inserted by the conferees in the bill without consulting either of the Senators from Minnesota, and without submitting the question to any committee of this body. It was done simply at the will of the conferees. Such legislation is dangerous. It is dangerous to the integrity of the proceedings of this body and dangerous to the people of this country. Minnesota, through its representatives, is entitled to be heard in this body and in the other as to how this timber shall be disposed of. The aim in this provision of the bill is to give the Secretary of the Interior absolute power in his own discretion to dispose of every foot of timber on these two reservations, in just such manner, and for such a price and under such conditions as he may determine to do.

There are plenty of authorities on this point of order, especially in the House of Representatives. The Speaker in the House of Representatives has always ruled on them, as I think the President of the Senate ought to rule on a point of order, in order to maintain the regularity of our proceedings. I desire to read here some precedents in the House of Representatives, to show how scrupulous and careful that body has been in this matter, and I submit that we ought to adhere to the same rules for our protection and for the protection of the people of the country. I read from Hinds's Parliamentary Precedents of the House of Representatives:

On June 20, 1898, Mr. JOSEPH W. BABCOCK, of Wisconsin, submitted a conference report on the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company and the Maryland and Washington Railway, etc.

Mr. WILLIAM P. HEPBURN, of Iowa, made the point of order that the committee of conference had inserted matter over which it had no jurisdiction. A Senate amendment had proposed to extend to other roads a privilege enjoyed by one. The conferees had added an amendment striking out this extension of privilege to others and also taking away the privilege enjoyed by the one.

During the debate it was urged on the one side that the conferees had jurisdiction only on the subject of the disagreeing votes, and that the repeal of this privilege was not in disagreement. On the other hand it was argued that the Senate had introduced the subject-matter by their amendment, and that it was proper for the conferees to amend it.

The Speaker sustained the point of order, saying: "If we were to adopt the idea that when once the subject-matter was introduced, that was to control and not the differences between the two bodies, we should be likely to enlarge the powers of the committee of conference rather beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it."

A question arising as to the effect of ruling out a conference report in this way, and as to whether or not a motion to recede and concur in the Senate amendment would be in order, the Speaker said:

"The Chair thinks that according to the action of the House hitherto the sustaining of a point of order on a conference report has been regarded as equivalent to a rejection of the report. * * * The present view of the Chair, contrary to his first impression, is that in the present condition of things the motion would be in order. * * * The Chair so rules."

This motion having failed, and the House having voted to further insist and ask a further conference, a message was sent to the Senate announcing that "the House had disagreed to the report of the committee of conference," had further insisted, had asked a further conference with the Senate, and had appointed certain conferees.

On March 3, 1871, the House was considering the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House, No. 2816, entitled, "An act making appropriations for the support of the Army for the year ending June 30, 1872, and for other purposes."

In this report was a measure for the establishment of a commission to consider and act on claims arising out of the operations of the war.

Mr. Fernando Wood, of New York, asked whether the report, as it proposed an appropriation of money, would not go to the Committee of the Whole.

The Speaker said: "It does not. A conference report, as the gentleman knows, is privileged in the highest degree. The question is on accepting or rejecting the report. The only motion that can be entertained is to lay the report on the table. It can not be amended, but must be accepted or rejected as a whole."

And that is the case in this instance. If the conferees have exceeded their authority, if they have exceeded their jurisdiction and put in new matter, the conference report should be rejected, and it should go back to a new conference.

On April 19, 1871, Mr. Henry L. Dawes, of Massachusetts, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 19 (deficiency appropriations), submitted a report thereon in writing.

Mr. William S. Holman, of Indiana, made the point of order that the report contained matter not a subject of difference between the two Houses. Mr. Holman specified that there were incorporated in the report two propositions which were new—a provision making appropriation for the Sutor tunnel and another for the Agricultural Department. These matters, he submitted, were not referred to the committee of conference at all. He understood that the committee of conference was not authorized to consider matters which had been neither incorporated in Senate amendments nor brought before the House.

In this case the Speaker submitted the point of order to the House, and the House sustained the point of order by a vote of 82 to 33.

The report having been thus ruled out, the Speaker said that he was at a loss to know what message to send to the Senate. It was suggested that the report, having not been received, was still with the committee, and that the committee might, therefore, make a new report. Mr. Nathaniel P. Banks, of Massachusetts, moved to send a message to the Senate informing them that the report had been ruled out, but subsequently withdrew this motion. Finally, on motion of Mr. James A. Garfield, of Ohio, it was voted to recommit the report to the conference committee.

I find several instances more—there are a half dozen instances—where the House has passed upon this very question. I will read from another case:

On May 2, 1898, Mr. JOHN F. LACEY, of Iowa, called up the conference report on the bill (H. R. 5975) extending the homestead laws and providing for a right of way for railroads in the district of Alaska.

Mr. EUGENE F. LOUD, of California, made a point of order against the report.

During the debate it was developed that among the Senate amendments was a provision relating to the fishery question between Canada and the United States. To this the conferees added a provision for a commission to consider the differences between Canada and the United States in regard to trade relations.

The Speaker ruled: "The Chair dislikes to pass upon such matters as this, but it is a well-established principle that no conference committee can introduce a new subject, one that was not in dispute between the two Houses; and it is evident that everybody in the House realizes that this amendment which has been presented is really beyond the power of the committee of conference. That being so, and the point being made, there is no other course but to sustain the point of order, which the Chair accordingly does."

I might read other precedents here—they are numerous—but I think the position can not well be disputed that a committee of conference have no right to insert in their conference report or add to it a matter entirely new and not germane to the subject in controversy.

Mr. HALE. Mr. President, will the Senator allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. HALE. The Chair, as he has already intimated, is in accord with the Senator from Minnesota in ruling that the point of order can well be made on a conference report. Now, will the Senator, before he sits down, if he has not already done so, tell the Senate what is the particular point on which the conferees have exceeded their jurisdiction?

Mr. NELSON. I have gone over that ground, but I will go over it fully.

Mr. HALE. I do not ask the Senator to go over it fully, but to state briefly just what the point is.

Mr. NELSON. The Senate amendment to the bill, amendment numbered 50, the amendment in dispute, contained a provision authorizing the Secretary of the Interior to employ a fire patrol, Indians principally, if they could be obtained, at a limited compensation, to patrol two Indian reservations for the purpose of protecting them against forest fires.

Mr. HALE. Is that the House provision?

Mr. NELSON. That was the Senate provision.

Mr. HALE. That was put on as an amendment to the bill as passed by the House?

Mr. NELSON. Yes, sir.

Mr. HALE. Has the Senator that provision where he can read it?

Mr. NELSON. I will read it. It is right here. I will read the Senate amendment, and then I will read the amendment the conferees have added to it and that is not germane to it.

Mr. HALE. That is what we want.

Mr. NELSON. The amendment is as follows:

To enable the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, to employ, for a period of not to exceed three months, during dry and dangerous weather, not to exceed 24 mounted men, to be selected solely with reference to fitness, Indians to be preferred and employed if possible, at a salary not to exceed \$60 per month each, every man so employed to furnish a horse at his own expense, provide forage for the same, and pay all other necessary incidental expenses—

Here is the purpose—

for the purpose of patrolling, guarding against, and extinguishing forest fires on the Red Lake and White Earth Indian reservations, in Minnesota, the sum of \$4,320, or so much thereof as may be necessary, to be immediately available.

Mr. HALE. Now, what did the conferees do?

Mr. NELSON. They agreed to the amendment I have just read, with this addition:

Provided, That the Secretary of the Interior is authorized to sell and dispose of the timber on said reservation at such prices and under such regulations as he may prescribe, the proceeds thereof to be disposed of under the provisions of existing law.

Mr. HALE. And the Senator's point is that the Senate amendment is confined strictly to the patrol.

Mr. NELSON. Yes; and the conferees might have a right to amend it in a particular germane to that subject-matter.

Mr. HALE. The Senator's point is that the Senate amendment was confined to the provision for the patrol?

Mr. NELSON. Yes, sir.

Mr. HALE. And that the conferees have added to that, which was not before either House, the power to sell and dispose of timber upon the reservations?

Mr. NELSON. In order that the Senator can see the force of the amendment, I will reiterate it.

Mr. HALE. Instead of providing for a patrol of the reservations they have added a provision to sell and dispose of the timber.

Mr. NELSON. Of the entire timber.

Mr. HALE. I think the Senator's point is well taken.

Mr. NELSON. I will state again, for Senators who were not present, that these two reservations—the White Earth and Red Lake reservations—embrace upward of a million and a half acres of land, in round numbers. There are on the reservations many hundreds and thousands of acres of valuable timber—pine and hard wood. Under this provision the Secretary of the Interior is authorized to sell every foot of timber on those reservations, and to sell it at his discretion upon such terms and for such price as he may see fit. If that is not new matter—if that is not entirely extraneous, and has no legitimate connection with the original provision of the bill, I do not know where it is possible to find it.

As I said a moment ago, it is not only unjust and unfair to the integrity of the proceedings of this body, it is not only corrupting the regularity of legislative proceedings, but it is unjust and unfair to the representatives of the State of Minnesota. There are two of us here in this body, and neither of us was consulted or knew a thing about this new amendment until we read it here in the conference report. If such things can prevail, there is no protection for any Senator in this body in reference to legislation relating to his State and his constituents.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. WARREN. For a question.

Mr. NELSON. Certainly.

Mr. WARREN. What is the law at present respecting the disposal of timber on these reservations?

Mr. NELSON. The only law relating to the disposal of timber on these reservations is that the Secretary of the Interior under a general law has a right to dispose of what is known as dead and down timber only. There is no other law.

Mr. HALE. Not live timber?

Mr. NELSON. Not live timber. There are a lot of other Indian lands in Minnesota known as ceded lands, and an act was passed in 1889 providing for the disposal of those lands. They are governed by a different law. In reference to these reservations, the only law bearing upon the question of the sale of the timber is a general authority given to the Secretary of the Interior to sell dead and down timber. This provision authorizes him to sell every bit of timber—everything.

Mr. WARREN. Then the Senator's point would relate only to the living or growing timber? The point of order made is that the conferees exceeded their authority?

Mr. NELSON. They have inserted a provision for the sale of the timber, while the provision of the Senate amendment only related to the patrol of timber—the patrol and guarding it against forest fires.

Mr. WARREN. Has the Senator the present law at his elbow, so that he can give us the clause relating to dead and down timber?

Mr. NELSON. It is a general statute. It was amended, I think, in 1895 or 1896. I think Senators are familiar with it. I have not the statute at hand.

Mr. WARREN. The question in my mind is whether it really does exceed the existing law.

Mr. CHANDLER. May I ask the Senator from Minnesota a question?

Mr. NELSON. Certainly.

Mr. CHANDLER. Do I understand the case aright, that the two Senators from Minnesota are not only opposed to having the timber sold, but also opposed to meeting the question now for the first time upon a conference report?

Mr. NELSON. If that question comes up, we are not absolutely opposed to it, but it is a new matter that should be considered.

When it comes to the selling of all the timber on those reservations, Congress should legislate on that subject and lay down rules and regulations for the manner of selling it. There is no law at all on the subject now.

Mr. CHANDLER. Are the two Senators from Minnesota opposed to this proposition which comes in here, to sell the timber?

Mr. NELSON. We are opposed to having it come in in this manner.

Mr. CHANDLER. Are you opposed to it as a matter of substance?

Mr. NELSON. We are opposed to it both as a matter of substance and as a matter of form.

Mr. CHANDLER. I should like to hear from the other Senator from Minnesota on this subject.

Mr. CLAPP. Mr. President, I do not know that I can add anything to what has been said by my colleague. The sale of this timber is a subject which requires the most careful consideration. There is scarcely a day when we do not receive communications from the people of Minnesota—and only last week from the Indians upon one of these reservations—concerning the regulations which by statute should be thrown around the sale and disposal of the timber.

I most emphatically protest against the matter being brought up in this manner, and I appeal to the Senate to stand by us on the point of order. I submit that there was nothing in this appropriation bill that apprised either us or our associates in the other House that the question of authorizing the Secretary of the Interior to sell this timber was under consideration. If the point of order is not sustained, I submit to Senators where will legislation under this policy end and to what will it lead?

Mr. TELLER. Mr. President, the timber on these two reservations is very valuable. There has been a statute for many years which enabled the dead and down timber to be sold by the Secretary of the Interior, or under the direction of the Commissioner of Indian Affairs. This is the creation of a new authority to sell the green timber.

I agree with the two Senators from Minnesota. I had myself a good deal of difficulty about that pine timber some years ago. This timber ought not to be sold under a general authority given to the Secretary of the Interior. There should be provided regulations by somebody who is closely enough connected with the Indians' affairs to know what ought to be done. The timber is growing to be more valuable every year, and it can be made a source of great profit to these Indians if properly taken care of; or it can be wasted, as it is almost certain to be wasted if the provision in the conference report should become a law.

Mr. PETTIGREW. Mr. President, it seems to me that the law with regard to the sale of dead and down timber ought to be repealed entirely, although I think there is no justification for the insertion of this provision in the bill. The fire warden for the State of Minnesota reports in his annual report that under the dead and down timber clause of the law which now exists men who wish to get the timber go in and set fire on this reservation and the other reservations in the State and burn the timber in order to secure it under the dead and down timber clause.

Therefore, some legislation ought to be enacted at once repealing the law and making a provision by which the Secretary of the Interior can take charge of the timber, whether dead or down, and sell it when it will be for the interest of the Indians to do so, and necessary to protect the timber from destruction and waste.

The fire warden of the State of Minnesota sends maps showing tracts of timber burned over purposely by people who wished to purchase under the dead and down timber clause of the statute as it now stands, showing that glaring abuses have occurred in that State under the law. If the conference had brought in a provision to repeal that provision it would be more tolerable, it seems to me, than to bring in this provision, which it appears to me enlarges the scope and power of the Secretary in this connection without remedying any of the evils that arise from it.

Mr. THURSTON. Mr. President, the conferees, in inserting this amendment, were governed, so far as most of them are concerned, I believe, by their long knowledge of the Indian situation on the reservations in Minnesota. I confess that the matter was somewhat new to me, because I have not been upon the Committee on Indian Affairs for any great length of time, but the motive which induced the conference committee to put this amendment on was a most worthy and laudable one.

The manner in which the Indians of Minnesota have been robbed of their timber furnishes one of the great scandals of the nation, and it has been going on for years and years, and not a line of legislation has been proposed in this body or in the other to prevent it. In Minnesota the Indians are robbed on these reservations of their lumber year after year under the provisions of the dead and down timber act. Parties for some purpose or other, and presumably in collusion with the people in Minnesota who wish to get this pine timber for practically nothing, seem at least to be setting out forest fires on Indian reservations year after year

and burning them over, and then they come in under the provisions of the dead and down timber act and get the timber for almost nothing.

We felt that it was important that the timber on these Indian reservations should be sold and disposed of before it was lost and destroyed, and before these Indians were robbed of the valuable forests that they still have left. The only way which occurred to us to do it was to put in a provision here which seemed to us to be entirely harmless. We had no thought that any Senator from Minnesota, or anywhere else, would or could object to a provision to let this timber be sold under the direction and rules and regulations of the Secretary of the Interior, the most careful guardian of the rights of the Indians that this country affords.

Mr. ALLISON. Will the Senator yield to me for a few moments?

Mr. THURSTON. Certainly.

Mr. ALLISON. Mr. President, yesterday I asked unanimous consent that we should have a night session to-night, taking a recess at half past 5. We have made such good progress to-day that I think probably if we shall sit until 6 o'clock we can finish this report. So I ask unanimous consent that the recess may be waived for to-night.

Mr. JONES of Arkansas. Is that to be done with the understanding that this matter will go over, to be taken up to-morrow?

Mr. ALLISON. If it can not be finished before adjournment to-day.

Mr. HALE. We will go on until 6 o'clock.

Mr. TELLER. We will remain in session until about 6.

Mr. JONES of Arkansas. I think it is important that this conference report should be disposed of by the Senate. I am willing that we shall go on in continuous session and settle the matter now.

Mr. STEWART. Yes; we can do that.

Mr. JONES of Arkansas. But there is a disagreement in this report, and the matter will have to go back to conference. It is an important bill, and the report ought to be acted upon. It has been already delayed several days.

Mr. TELLER. We can work on it up to 6 o'clock.

Mr. STEWART. I think we shall get through by that time, and if not, we can extend the session beyond the usual hour of adjournment.

Mr. ALLISON. I suggest no time for adjournment to-day, but I ask that unanimous consent be given that the order for a recess be waived; and then the Senate can sit as long as it chooses after half past 5.

Mr. CHANDLER. The Senator asks that the order of the Senate be revoked?

Mr. ALLISON. Yes.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the order made yesterday to take a recess at half past 5 o'clock to-day be revoked. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURSTON. Now, Mr. President, there will be found in the bill a Senate amendment to protect the pine forests on these reservations; the Senator says, to patrol them. The Senate amendment was an amendment to protect them, to preserve them, to retain for the Indians their value, to prevent their destruction and waste. It seemed to us, and it seems to me now, that this further provision along the same line, to protect the Indians, to preserve the value of their timber to them, not to retain the trees on the land, but for the preservation and the more certain preservation of the interests of the Indians in the timber, a preservation much more efficient than that of a fire warden, a preservation much more efficient than anything which has been suggested, was germane to the purposes of the amendment in the protection and the salvation of the rights of these Indians and in securing to them the value of their timber, and that we should give this authority, so that the Secretary of the Interior might convert that timber into money, and put it into the Treasury of the United States, where certainly fires set out in Minnesota would not affect it, and perhaps where moth and rust doth not corrupt, nor thieves break in and steal.

Mr. JONES of Arkansas obtained the floor.

Mr. NELSON. Mr. President, I do not care to enter into any controversy with the Senator from Nebraska—

The PRESIDING OFFICER. The Chair has recognized the Senator from Arkansas.

Mr. JONES of Arkansas. Mr. President, I will detain the Senate only a moment in a statement of this matter. It seems to me that there can be no trouble about it.

The Senate adopted an amendment looking to the care and preservation of the timber on these Indian reservations in Minnesota. There has been trouble about it. Everybody understands that. We all know there have been charges that men whose duty it was to take care of this timber had been hired by timbermen to fire the timber for the purpose of bringing it within the law so that it might be bought as dead and down timber.

The Senate adopted a proposition to appoint a number of people

and pay them a salary to take care of this timber. It is said by many that these people would have been used in the same way for the purpose of firing the timber and destroying it. So when we came into conference the House conferees said: If this is to be done, here is something that seems to us proper to do; and a better way of taking care of that timber is to vest in the Secretary of the Interior the discretion to sell, if it is found best to do so.

I can not see any possible harm that can come from such a provision. The Secretary of the Interior is a man of intelligence; he has the good of the Indians at heart, and if when he proposes to employ these men to look after it he finds it would be better for the Indians that certain parts of the timber should be sold, it seemed to me that it was a wise thing to do, and that it was strictly within the rule, as a modification of the provision that the Senate had adopted to take care of that timber. It is a way of taking care of it; it is a way of looking after it and of disposing of it for the benefit of the Indians. This is all there was in it, and it seems to me there can be no doubt that the conferees on the part of the Senate acted wisely in agreeing to this provision on the part of the House.

Now, the House conferees were not called upon to accept this Senate amendment without any modification whatever. They have a right to suggest that they are willing to take the Senate amendment with certain modifications which they believe to be just and right. When the Senate puts an amendment on any appropriation bill embracing new matter it is for the first time that that question has been presented to either House, and when the House is called into conference it is not for the purpose of saying you must take the Senate proposition as a whole or absolutely take nothing at all. The purpose of a conference is to modify the position taken by the Senate and to make such changes in the amendment as will make it acceptable to the House of Representatives. Here was a modification for taking care of this timber that they proposed and that we accepted as being a wise and a proper and a just thing to do. It was an expression of the opinion on the part of the members of the House that we thought the Senate ought to heed.

Mr. SULLIVAN. I should like to ask the Senator from Arkansas a question before he sits down. Is the timber referred to here belonging to these Indians entirely within the State of Minnesota?

Mr. JONES of Arkansas. I think so.

Mr. SULLIVAN. And both Senators from that State are opposed to this proposed legislation?

Mr. JONES of Arkansas. I understand from what those Senators have said here this afternoon that they are opposed to it. The Senators from Minnesota, unfortunately, were not members of the conference, and the Senators who were appointed upon the conference were looking after the matter. I do not know that anybody stopped to consider whether the reservations were in Minnesota or not, but here was a proposition for certain things to be done to take care of certain timber on Indian lands. The House conferees propose a modification of the provision we had made in this case. It seemed to us to be a wise modification, and we agreed to it.

Mr. HALE. That is, the amendment providing for protecting the timber, and the conference report provided for destroying it.

Mr. THURSTON. No; not for destroying it.

Mr. JONES of Arkansas. If the Senator from Maine will allow me, it was the belief of the members of the conference that the amendment of the Senate provided for destroying the timber and that the provision on the part of the House was a means of caring for it.

Mr. CHANDLER. Mr. President, I do not undertake to say that technically the conferees might not do what they have done. The Senate said, here are to be 24 mounted inspectors, and they shall take care of this timber, and we appropriated \$4,320 to take care of it. The House conferees said—a substitute was not proposed—we will agree to provide for these 24 mounted men provided the Senate conferees will agree that all this timber shall be sold; and it is stated here that it is very valuable timber. Now, the two Senators from Minnesota say this timber being in their State they do not want to deal with the question whether that timber should be sold or should not be sold at the instigation of the conferees. They do not want to meet it here for the first time in the closing days of a session, and I think the Senate ought to heed—

Mr. JONES of Arkansas. Will the Senator allow me?

Mr. CHANDLER. In one moment. I think the Senate ought to heed the suggestion of the two Senators from Minnesota and reject this conference report.

Mr. JONES of Arkansas. The Senator is in error when he says this provided for the absolute sale of the timber. The provision is that the Secretary of the Interior shall have the discretion to sell it if he thinks best. It leaves the entire matter in the discretion of the Secretary of the Interior.

Mr. CHANDLER. He is authorized to sell it, and that is a pretty plain intimation that Congress thinks he had better sell it.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. CHANDLER. Certainly.

Mr. PETTUS. I have a decided sympathy with what the Senator from New Hampshire is saying, and I want to know what was the provision in the bill before it went to conference?

Mr. CHANDLER. There was no provision in the bill about this matter before it went to conference. The Senate inserted, on page 51, amendment numbered 50, which is a provision to enable the Commissioner of Indian Affairs to employ 24 mounted men, Indians preferably, to protect these forests from fires.

Mr. PETTUS. I should like to hear that provision read, if the Senator has it before him.

Mr. CHANDLER. I will ask the Secretary to read Senate amendment numbered 50, on page 51.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

To enable the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, to employ, for a period of not to exceed three months, during dry and dangerous weather, not to exceed 24 mounted men, to be selected solely with reference to fitness, Indians to be preferred and employed if possible, at a salary of not to exceed \$60 per month each, every man so employed to furnish a horse at his own expense, provide forage for the same, and pay all other necessary incidental expenses, for the purpose of patrolling, guarding against, and extinguishing forest fires on the Red Lake and White Earth Indian reservations, in Minnesota, the sum of \$4,320, or so much thereof as may be necessary, to be immediately available.

Mr. CHANDLER. Now, I ask that the Secretary read at the bottom of page 4 of the report of the conference committee the addition which first comes to the Senate in the report of the conference committee.

The Secretary read as follows:

Provided, That the Secretary of the Interior is authorized to sell and dispose of the timber on said reservation at such prices and under such regulations as he may prescribe, the proceeds thereof to be disposed of under the provisions of existing law.

Mr. CHANDLER. I say, Mr. President, that the Senators from Minnesota, if they do not want to deal with the question of the sale of that valuable timber at this time and in this way, ought to be protected from being forced to see this become a law under the pressure which exists in the Senate for the passage of this appropriation bill.

I say that, Mr. President, without undertaking to criticize the members of the committee and without undertaking to say that the timber ought not, as a matter of fact, to be disposed of, because I know nothing about it.

Mr. CLAPP. I will supplement that with the suggestion that the chairman of the committee has already stated, if I am not mistaken, that this matter has to go back to the conference committee.

Mr. CHANDLER. So much for an amendment which is technically in order. But there is an amendment on this bill which is absolutely out of order by any rule as to the powers of conferees that I ever heard of. I have as little interest as any member of the Senate in protecting the Senate against future reports of this kind; but on page 28 of the bill there was in the bill as it came from the House of Representatives four lines, as follows:

SIX NATIONS OF NEW YORK.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November 11, 1794, \$4,500.

The Senate put on an amendment numbered 27, as follows:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Six Nations of New York the sum of \$90,000, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties described above: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount per capita to the Indians entitled thereto.

The conferees recommend that the Senate amendment be agreed to with the addition of these words:

That the agreement entered into between the Seneca Nation of Indians in council assembled and J. W. Peglow, of Silver Creek, New York, on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed.

Mr. President, that had absolutely no relation whatever to the subject-matter contained either in the original four lines of the bill that came from the House or the dozen lines of the bill as it passed the Senate. I do not know whether—

Mr. SPOONER. Will the gentleman allow me to interrupt him?

Mr. CHANDLER. In a moment.

I do not know whether the Seneca Indians belong to the Six Nations or not, but if they do the subject-matter is wholly new.

Mr. SPOONER. I call the attention of the Senator to the fact that that amendment was offered to this bill in the Senate and was voted out of it and voted down.

Mr. CHANDLER. Yes, Mr. President; but that bears upon the merits of the amendment, and I am dealing with the subject

in a narrow view, and that is as to the powers of conference committees and the necessity of watching conference committees if this thing goes on.

Mr. HALE. If the Senator from New Hampshire will wait a moment, I wish to ask the Senator from Wisconsin [Mr. SPOONER] if he means to say that, in addition to the point the Senator from New Hampshire [Mr. CHANDLER] is making, this very clause had been offered in the Senate and voted down?

Mr. SPOONER. That is what the Senator from Wisconsin meant to be understood as saying. It was not in the bill when it came from the House, nor was it in the bill when it passed back to the House; but we voted it down in the Senate.

Mr. CHANDLER. It had been moved as an amendment in the Senate and voted down.

Mr. HALE. Then we had better give up all legislation to conference committees.

Mr. THURSTON. If the Senators had been on the floor at the time the matter was presented, they would have heard an absolute, frank, and exact statement of the situation as to this amendment, which I made when we first took up the conference report.

Mr. CHANDLER. The Senator did state the facts just as I have stated them, and I am happy to be able to make my statement in accord with his.

Mr. THURSTON. The statements were exactly the same, except that my statement was somewhat clearer than that of the Senator. [Laughter.]

Mr. CHANDLER. I understand; but my statement, while not clearer than the Senator's, was very much shorter. [Laughter.] While I say that the Senator did state what I said, I think he covered up his statement with so many more words that the subject was not as distinctly understood as it now is. [Laughter.]

Mr. President, I do not want to criticize the conference committee. The committee, of which the Senator from Nebraska [Mr. THURSTON] was chairman, did just what conference committees have been in the habit of doing. A few of us have sat here time and again and have fought against this abuse, but we do not seem to make much headway, because the friends of a proposition, if it is a good proposition, say "we ought to adopt the conference report," or if it is a bad proposition, and there is a majority of Senators who want it, they carry it; and if we agree to what has been done now, the same necessity exists which has existed for the last three or four years, and only for the last four years, of watching with eagle eye the reports of conference committees; otherwise the Senate is liable to be drawn into doing things upon the reports of conference committees that it would never dare to dream of doing if the case were presented in a separate bill or if it were presented fairly and squarely to the Senate as an amendment to an appropriation bill when such a bill is being considered by the Senate.

Mr. THURSTON. I wonder how in the world we will ever get along when this Senate no longer has the eagle eye of the Senator from Massachusetts or my own to watch over its proceedings. [Laughter.]

Mr. HOAR. Mr. President, I see my honorable friend from Nebraska has not read the roll of the Senate with an eye very much like that of an eagle when he does not know from what State a Senator comes.

Mr. THURSTON. The mistake was mine.

Mr. HOAR. That is what I thought. [Laughter.]

Mr. THURSTON. My intention was, however, to refer to the mistake of the legislature of New Hampshire. [Laughter.]

Mr. CHANDLER. Mr. President, I do not feel the slightest sensibility about being attributed to Massachusetts. [Laughter.]

Mr. PETTUS. Mr. President, I think it is time for us to stop this conference legislative body so far as it departs from our orders. It ought to be stopped.

At the last session I remember distinctly a case where a provision was inserted in a conference report which had not been adopted by either House and which became a law, and the matter was never mentioned by any member of the conference committee. The Senator from Maine [Mr. HALE] discovered the transaction entirely too late. The bill was gone, and it had become a law, and no member of the Senate knew that it was a law, or ever voted for it, except the conference committee. The Senator from Maine pointed it out, as I have said, but it was then too late.

The West Point Military Academy appropriation bill provided that the President should have authority to appoint 30 cadets to West Point from the country at large. Whilst it did not provide that each Senator should have the appointment of a cadet, it was intended to be understood in that way. It provided that two should come from each State at large. That was construed to mean that the Senators might appoint cadets just as the members of the House of Representatives appoint cadets, without any authority of law, by reason of their being appointed from the Congressional districts. No member of the Senate and no member of the House has any right at all to appoint a cadet according to the statutes. It is just a usurpation on their part.

These amendments were proposed here in the Senate, they were

discussed at length, and they were both of them voted down by a decided majority of this Senate. Some amendments were made to the bill; the bill went into conference; it went into the third legislative body that we have got here.

Mr. President, when that bill came back from that conference committee it had in it the exact provision which this Senate had voted down. The House had said nothing about it; it was an amendment proposed in the Senate, and yet that bill as it now stands on the statute book gives the President the right to appoint 100 cadets from the country at large, or, rather, it says that there shall be two cadets appointed from each State without indicating any Congressional districts, leaving the law as it formerly stood, that each district in each State should send a cadet to West Point.

Now, here we have a law on the statute book which none of us can deny is a law and no court will ever dispute it, and yet three members of the Senate were all of the Senate who ever heard of it.

When the conference report came in no mention was made of this change. Not a word was uttered regarding it; but the conference committee just literally met and legislated into the laws of the country the provisions that I speak of.

This is an additional objection in my mind—

Mr. JONES of Arkansas. Does the Senator from Alabama mean to say that the chairman of the committee did not mention this thing?

Mr. PETTUS. Yes, sir; that is what I mean to say.

Mr. JONES of Arkansas. The chairman of the committee did state it distinctly and clearly in the Senate, and he was the first man who made any statement about it.

Mr. HALE. The Senator from Alabama [Mr. PETTUS] was referring to the last year's Military Academy appropriation bill.

Mr. JONES of Arkansas. I understood him to refer to this bill.

Mr. PETTUS. Oh, no; I am not referring to the pending bill at all.

Mr. JONES of Arkansas. Then I withdraw what I said.

Mr. PETTUS. I have not spoken about this bill at all. I was just commencing to speak of it.

Mr. JONES of Arkansas. I simply wanted the Senator to understand that the chairman of the committee had explained the matter.

Mr. PETTUS. Oh, no; I was not speaking of the Senator from Nebraska [Mr. THURSTON] at all. I was speaking of a conference committee at the last session that gave us a hundred cadets at West Point from the country at large, two from each State in addition to those we already had—I do not mean an addition, because the President has the power to appoint 20 anyway.

Mr. President, this conference report has a feature in it that is very disturbing to my mind. If I lived in Minnesota, I would consider that I had been very badly treated. When the President sends a nomination here for a postmaster in a country town, it goes to the Post-Office Committee, where it regularly belongs. Do any of you Senators ever have a man nominated as postmaster in any town in your State without getting notice of it? I never heard of such a thing. The Post-Office Committee—it does not make any difference who is at the head of it—and all other committees I have ever heard of in the Senate give the Senators from the State notice that a certain man has been nominated, and ask, "What do you say about it?" Yet here are the two Senators from Minnesota sitting on this floor without any knowledge that such a thing as is contained in this report was ever contemplated.

It will not do, Mr. President. If we are going to treat Senators in this way—well, you may call it legislation, but it is not.

Mr. SPOONER. Mr. President, it is obvious, I think, that the only safety in legislation, especially at the short session, in appropriation bills is in restricting conferees to subjects which are germane to those which have received the attention of the two bodies.

The Senator from Nebraska [Mr. THURSTON], with a frankness which is altogether characteristic of him—and his frankness in regard to this report is worthy of emulation by all conferees—stated the facts in regard to these two amendments.

It seems to me very clear that in the amendment, to which the Senator from New Hampshire [Mr. CHANDLER] called the attention of the Senate, there can be no possible question that the conferees entirely transcended the function of conferees. They have linked with the Senate amendment a provision voted down by the Senate after debate, which is not germane and which has no connection whatever with it in substance. It is in no sense a modification of the provision which the Senate inserted in the bill, nor has it any relation whatever to that provision. The Senate amended the House bill by providing:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Six Nations of New York the sum of \$90,000, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties described above.

That was an appropriation of money for the carrying out of existing law, for treaties are laws.

Provided further, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount per capita to the Indians entitled thereto.

That money was to be placed in the Treasury to the credit of the Six Nations of New York. What earthly relation to that had the ratification of this land lease, which had been voted down by the Senate? What connection with that had this proposed lease or its ratification? That is not a disposition in any sense of the money appropriated by the bill. It is absolutely foreign to the bill as it came from the House and to the bill as it went from the Senate.

Mr. JONES of Arkansas. Will the Senator allow me a moment?

Mr. SPOONER. Certainly.

Mr. JONES of Arkansas. I should like to say in that connection that I admit all the Senator says about this paragraph. This provision was offered in the Senate and was voted down here. It was discussed, but it did not seem to be understood. When this matter was taken up in the conference committee, a member of the conference committee from the State of New York stated that he knew all the facts; that he was familiar with all the conditions; that the council of this tribe of Indians had made this lease to this man, and that the provision was just and right and ought to be adopted. Under these circumstances it was agreed to by the conference committee.

There is no doubt it was not in accordance with the rules of the Senate. I agreed to it in conference, so far as I was concerned, simply because I believed the member from New York, who knew the facts and stated that the provision was carrying out the will of the council of the nation itself, and that it was just and right. For that reason I was in favor of it.

Mr. SPOONER. Mr. President—

Mr. THURSTON. If the Senator will permit me a moment. The amendment was also agreed to, with the understanding on the part of the conferees of the Senate that we would submit to the Senate, on the presentation of this conference report, the fact that we had adopted an amendment which was not, strictly speaking, germane, and that we would ask the Senate to indorse our action, because of the character of the provision we had proposed.

Mr. HALE. The Senator was entirely frank about it.

Mr. SPOONER. Yes; the Senator from Nebraska was, as I have stated, entirely frank about it.

Mr. JONES of Arkansas. Allow me to finish the statement.

The Senator from Nebraska, in that same connection, when another matter which was also in conference was reported here—a measure which was agreed to by the representatives of the United States Government and the council of the Cherokee Nation—also made an explanation. There was an agreement made, which was to go into effect on a certain day of 1900. That date has passed. When the agreement was made a year ago, the date fixed was in the future, and everybody believed that it would pass in season.

It came here and stayed a long time in the Department. It has not yet been acted upon, and yet, by some oversight, that date was not changed in either House. The question came up in conference as to whether we ought to change that date. It ought to have been the year 1901 instead of the year 1900. Technically we had no right to make that change, but it would be an absurdity if it remained in the law. It was understood and agreed that that change should be made, and that a statement should be made to the Senate why we had transcended our authority in changing that date. So there was no intention to keep anything from the Senate, but, on the contrary, we were making a frank statement of what the facts were.

Mr. SPOONER. No one has imputed any want of good faith to the conferees in that respect, and no one can.

Mr. JONES of Arkansas. But the statement was made a few minutes ago on the floor of the Senate that certain things had passed the Senate without the knowledge of the Senate.

Mr. SPOONER. That has often been the case; but ordinarily, when conference reports come here on general appropriation bills at the end of the short session and the long session, in the very last days and nights of the session, it is absolutely impossible for the members of the Senate to understand the full purport and effect of the action of the conferees, except in the case of some large or contested items, which attract the attention of the Senators who participated in the debate when the bill was on its passage through the Senate.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Allow me a moment.

Mr. TILLMAN. Just a word.

Mr. SPOONER. I will yield to the Senator.

Mr. TILLMAN. I just wish to add my testimony to the criticism on this third body of legislators by calling attention to the fact that when the expenses incurred by the States in mobilizing the volunteers were ordered paid by Congress my State found itself confronted with the fact that it owed some bonds held as Indian trust funds, and we could not get a refund of the money that we had spent in good faith to help the United States to get troops to fight Spain.

Mr. SPOONER. Mr. President—

Mr. TILLMAN. Let me get through.

Mr. SPOONER. I thought you were through.

Mr. TILLMAN. That is nonsense.

Mr. SPOONER. I thought the Senator had concluded.

Mr. TILLMAN. I have not said a word about the conference report yet. [Laughter.]

Mr. SPOONER. For the first time in my life since I have been in the Senate I was not listening to the Senator. [Laughter.]

Mr. TILLMAN. The Senator is entirely excusable, because we are all very tired, for we have been here a long while.

That provision was put into a bill requiring the Secretary of War or the Secretary of the Treasury to pay the claims of various States, notwithstanding any claims that might be held against the States by Indian trust funds or otherwise. The Senate amendment required this payment, and in the conference between the two Houses a provision was inserted authorizing and directing the Secretary of the Treasury to sue the State of South Carolina and the State of Virginia on bonds held for the Indian trust funds. Nobody else ever knew a thing about it, and last year we had to repeal it.

Mr. SPOONER. Mr. President, it is admitted that this amendment incorporated by the conferees was not properly incorporated, and that it transcends the powers of a committee of conference. I am persuaded that on the merits of the proposition it never could have passed this Senate.

The Senator from Nebraska [Mr. THURSTON] says it is a small matter. So it is, but the matter of size is relative. The Senator has tried lawsuits involving millions of dollars; he has tried lawsuits, as the rest of us have, involving a man's lot, the title to his little home. One was of vast importance in the large sense because of its size and the amount involved, the other was relatively no less important.

This is a little sand lease, Mr. President, but it involves the rights of men, and rights of great consequence undoubtedly to them, although trifling perhaps from our standpoint. I venture to say if it were a white man who made the claim the Indians make here—not a large matter from the money point of view—there would have been a full hearing against it in committee and the Senate never would have been asked to pass this provision.

Now, in a word, as I understand, the facts are these: There are two or more Indians who have occupied this land on the shores of Lake Erie for forty years or more. During all of that time they have been accustomed to sell the sand on the banks of the lake. They have sold sand there, I understand, and are taking about \$250 a year from it, enough to support themselves and their families, and have been doing that for many years. This is a lease for ten years.

Mr. PETTIGREW. At \$25 a year.

Mr. SPOONER. Yes; at \$25 a year, to J. W. Peglow.

Mr. President, these Indians contest the right of the council to make this lease; these Indians claim that they own this piece of land, I am told, by allotment. If they own it by allotment, the council obviously has no more right to make this lease than I would have the right to lease the Senator's house or to sell it. They instituted litigation in New York, which is pending now, to test the right of the council to dispose of what they allege to be their property. Either party under the New York code can bring that lawsuit to trial.

I protest that it is not fair for Congress to pass a bill ratifying that lease until Congress ascertains by the determination of the court in that litigation whether the council had the right to make the lease. That is the case. We have been careful always not to interfere with existing litigation. It is a wise rule. If this were a large transaction nobody would challenge that it was an improper proceeding; and there is no man so humble and there is no right so small, if it be a right, that he or it is not entitled to consideration from the Senate of the United States and from the House. For Congress to pass an act ratifying this lease will have effect. It may not be valid, and would not be if the court decided in favor of the Indians; but why throw this decision of Congress that the lease is valid in the pathway of these Indians in the course of this litigation? Why this haste about it?

The court is the appropriate place to try that question of right, and not the Senate or the House. There is nothing fair in the proposition that when this cause is called for trial these Indians are to be confronted with an act of Congress ratifying the lease, the validity of which in this litigation they challenge and attack, and of which we know nothing. I never heard of this matter until I heard the Senator from South Dakota [Mr. PETTIGREW], who is extremely watchful of legislation, speak upon it the other day when the amendment was under discussion.

Mr. HALE rose.

Mr. PETTIGREW. Mr. President, I will say in this connection that I made the statement which the Senator has now made, and it was upon that statement that the lease went out. I got my information from these Indians, and they told me that this sand

was accumulated by the wind and the current of a small stream which came into the lake at this point, and that it was held there by a fence which was built by one of the Indians who had lived upon the land for forty years. I have not yet heard any refutation of that statement from anyone.

Mr. HALE. I was going to make a suggestion. I do not want to interfere with the Senator from Wisconsin.

Mr. SPOONER. I am through.

Mr. HALE. I thought so. I suggest to the Senator from Nebraska, who has been entirely frank in this matter, that the discussion has plainly developed the feeling of the Senate in regard to this, and that by unanimous consent the report be rejected, when it will go back to the committee, who will have the same opportunity that another committee did the other day of again submitting to the Senate a conference report. If that is done, I will move an executive session, and the Senate will get, after long hours of weary labor, a little respite.

Mr. THURSTON. Mr. President, there is no member of the conference committee who feels any desire to put in a conference report or otherwise anything not proper or that the Senate would not wish to enact into law. We have met, as I suppose all other conferees have met, with considerable trouble in adjusting our differences over many disputed points with the conferees of the House. What we have done here we have done as best we could, and, as I said, on these points, while it may be claimed we exceeded somewhat the rules of the Senate, we did so with the understanding that we would make a frank and specific explanation to the Senate.

Feeling, as I do, that the sentiment of the Senate is in favor of the procedure suggested by the Senator from Maine, I will ask that the report of the committee be disagreed to and that the Senate further insist upon its amendments and ask a further conference with the House of Representatives on the disagreeing votes thereon.

Mr. HALE. I hope that may be done.

Mr. JONES of Arkansas. Mr. President, I desire to say that I am satisfied the conferees did what they believed to be best, and I am not willing, for one, to say that we did not do what we ought to have done. I have no objection, and I shall not enter my protest, to the proposition going back. I was willing, when I heard there was any objection to it on the part of any Senator, that that should be done. I believe the conferees acted wisely in what they did. I believe it was a just and fair agreement between the conferees on the part of the Senate and the conferees on the part of the House. After the statement made, for instance, by the member from New York, who knew all the facts, and who states that the council had rented this land and had full right to do so, I believe it was a reasonable thing to do, but I shall not interpose any objection.

Mr. TILLMAN. Why did not that man get the legislation through his own body? Why did he come to the Senate committee?

Mr. JONES of Arkansas. He stated the reason. He was absent when the bill passed the House, or he would have done so.

Mr. HALE. I hope there will be no objection to the request of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the conference report be rejected, and that the Senate further insist upon its amendments and request a further conference with the House on the disagreeing votes of the two Houses thereon. Is there objection? The Chair hears none, and it is so ordered.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

PROPOSED EXECUTIVE SESSION.

Mr. HALE. There are a number of nominations that have piled up in the last week; we have had no session; and they ought to be referred to committees. There will be no time taken in executive session but for that purpose. I move that the Senate proceed to the consideration of executive business.

Mr. CARTER. Will the Senator from Maine withhold his motion for a moment?

Mr. HALE. Certainly.

REPORT ON PLANTS POISONOUS TO STOCK.

Mr. CARTER. On behalf of the Senator from West Virginia [Mr. ELKINS], from the Committee on Printing, I present a concurrent resolution and ask for its present consideration.

The concurrent resolution submitted by Mr. CARTER January 9, 1901, was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies additional to the usual number of the report of Dr. V. K. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Department of Agriculture.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. Mr. President, I desire to give notice that immediately after the routine morning business to-morrow I shall ask the Senate to proceed to the consideration of House bill 18822, the fortifications appropriation bill.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 23, 1901, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 22, 1901.

APPOINTMENT IN THE ARMY.

GENERAL OFFICER.

To be major-general.

Brig. Gen. William R. Shafter, United States Army, retired (major-general, United States Volunteers), February 18, 1901.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Edward M. Hayes, Fourth Cavalry, to be colonel, February 17, 1901, vice Chaffee, Eighth Cavalry, appointed major-general, United States Army.

Maj. Charles L. Cooper, Fifth Cavalry, to be lieutenant-colonel, February 17, 1901, vice Hayes, Fourth Cavalry, promoted.

MEDICAL DEPARTMENT.

To be surgeons with the rank of major.

Capt. Charles M. Gandy, assistant surgeon, February 2, 1901, to fill an original vacancy.

Capt. Jefferson R. Kean, assistant surgeon, February 2, 1901, to fill an original vacancy.

Capt. Henry I. Raymond, assistant surgeon, February 2, 1901, to fill an original vacancy.

Capt. Francis J. Ives, assistant surgeon, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

Capt. Edward R. Morris, assistant surgeon, February 2, 1901, to fill an original vacancy.

ARTILLERY CORPS.

To be major.

Capt. Elbridge R. Hills, Artillery Corps, February 2, 1901, to fill an original vacancy.

To be captains.

First Lieut. George W. Gatchell, Artillery Corps, February 2, 1901, vice Hills, promoted.

First Lieut. Oscar I. Straub, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Herman C. Schumm, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Alfred M. Hunter, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. John L. Hayden, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Peyton C. March, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Eugene T. Wilson, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Edmund M. Blake, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. John T. Martin, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Wilnot E. Ellis, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. William L. Kenly, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. William G. Haan, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Sidney S. Jordan, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Walter A. Bethel, Artillery Corps, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

First Lieut. Morris K. Barroll, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Delamere Skerrett, Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Edward F. McGlachlin, jr., Artillery Corps, February 2, 1901, to fill an original vacancy.

First Lieut. Archibald Campbell, Artillery Corps, February 2, 1901, to fill an original vacancy.

APPOINTMENTS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

First Lieut. Joseph T. Crabbs, Eighth Cavalry, to be quartermaster, with the rank of captain, February 2, 1901, vice Thompson, retired from active service.

First Lieut. Louis B. Lawton, Ninth Infantry, to be quartermaster, with the rank of captain, February 2, 1901, vice Martin, promoted.

SUBSISTENCE DEPARTMENT.

First Lieut. Arthur M. Edwards, Fourteenth Infantry, to be commissary, with the rank of captain, February 2, 1901, vice Duval, promoted.

INFANTRY ARM.

Sergt. William J. Schmidt, Company M, Twelfth Infantry, United States Army, to be second lieutenant, February 2, 1901, vice McClure, Fourteenth Infantry, transferred to the cavalry arm.

PROMOTIONS IN THE VOLUNTEER ARMY.

ELEVENTH CAVALRY.

First Lieut. Charles R. Trowbridge, Eleventh Cavalry, United States Volunteers, to be captain, February 1, 1901, vice Green, honorably discharged.

Second Lieut. John Holtman, Eleventh Cavalry, United States Volunteers, to be first lieutenant, February 1, 1901, vice Trowbridge, promoted.

APPOINTMENTS AS MEDICAL OFFICERS OF VOLUNTEERS.

To be assistant surgeons of volunteers with the rank of captain.

James J. Edmondson, of New York (acting assistant surgeon, United States Army), February 18, 1901.

Joseph C. Reifsnnyder, of Pennsylvania (acting assistant surgeon, United States Army), February 18, 1901.

Joseph J. Curry, of Massachusetts (acting assistant surgeon, United States Army), February 18, 1901.

James K. Stockard, of North Carolina (acting assistant surgeon, United States Army), February 18, 1901.

George R. Plummer, of Florida (acting assistant surgeon, United States Army), February 18, 1901.

William R. Van Tuyl, of Kansas (acting assistant surgeon, United States Army), February 18, 1901.

John S. Fogg, of Maine (acting assistant surgeon, United States Army), February 18, 1901.

PROMOTIONS IN THE NAVY.

Commander Robert M. Berry, to be a captain in the Navy, from the 19th day of February, 1901, vice Capt. Nehemiah M. Dyer, retired.

Lieut. Commander Daniel D. V. Stuart, to be a commander in the Navy, from the 19th day of February, 1901, vice Commander Robert M. Berry, promoted.

Lieut. William R. Rush, to be a lieutenant-commander in the Navy, from the 19th day of February, 1901, vice Lieut. Commander Daniel D. V. Stuart, promoted.

Lieut. (Junior Grade) Wilfrid V. N. Powelson, to be a lieutenant in the Navy, from the 19th day of February, 1901, vice Lieut. William R. Rush, promoted.

UNITED STATES ATTORNEY.

Marshall B. Woodworth, of California, to be attorney of the United States for the northern district of California, vice Frank L. Coombs, resigned.

POSTMASTERS.

A. Peterson, to be postmaster at Clifton, Bosque County, Tex. Office became Presidential January 1, 1900.

Margaret Duncan, to be postmaster at Au Sable, Iosco County, Mich. Office became Presidential January 1, 1901.

John M. Clark, to be postmaster at Onaway, Presque Isle County, Mich. Office became Presidential January 1, 1901.

Charles H. Stevens, to be postmaster at Perry, Shiawassee County, Mich. Office became Presidential January 1, 1901.

George R. Craft, to be postmaster at North Manchester, Wabash County, Ind., in place of Lewis Signs, resigned.

Louis Desmarais, jr., to be postmaster at Opelousas, St. Landry Parish, La., in place of Louis Desmarais, deceased.

Mathias Sailer, to be postmaster at Laurium, Houghton County, Mich., in place of Thomas Buzzo, removed.

Harvey E. Fitts, to be postmaster at Aberdeen, Monroe County, Miss., in place of W. H. Vasser, deceased.

R. C. Skinner, to be postmaster at Iuka, Tishomingo County, Miss., in place of J. T. Barnett, deceased.

Amelia E. Roth, to be postmaster at Virginia City, Storey County, Nev., in place of Nora Webber, resigned.

N. A. Hummel, to be postmaster at Wadsworth, Washoe County, Nev., in place of A. W. Macpherson, deceased.

Charles Z. Landreau, to be postmaster at Mayaguez, Porto Rico; an original vacancy under the provisions of an act of Congress

entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 10, 1900.

Frank Murphy, to be postmaster at Blandinsville, McDonough County, Ill., in place of Hattie Holliday. Incumbent's commission expired January 23, 1900.

Charles W. Bemis, to be postmaster at Foxboro, Norfolk County, Mass., in place of W. H. Torrey. Incumbent's commission expires February 23, 1901.

Jennie T. Mister, to be postmaster at Grenada, Grenada County, Miss., in place of Charles Trimble. Incumbent's commission expired December 23, 1900.

Robert F. Schofield, to be postmaster at Edina, Knox County, Mo., in place of C. Q. Hardman. Incumbent's commission expired January 18, 1901.

Harry Bacharach, to be postmaster at Atlantic City, Atlantic County, N. J., in place of M. A. Devine. Incumbent's commission expired February 16, 1901.

Mary Green, to be postmaster at Warrenton, Warren County, N. C., in place of Mary Green. Incumbent's commission expired February 20, 1901. (Reappointed.)

C. G. Coad, to be postmaster at Dallas, Polk County, Oreg., in place of C. F. Belt. Incumbent's commission expired February 9, 1901.

Edward J. Stackpole, to be postmaster at Harrisburg, Dauphin County, Pa., in place of William Rodearmel. Incumbent's commission expired May 18, 1900.

Alfred R. Houck, to be postmaster at Lebanon, Lebanon County, Pa., in place of H. G. Walter. Incumbent's commission expired June 6, 1900.

Lehman E. Gantt, to be postmaster at Newport, Perry County, Pa., in place of W. H. Smith. Incumbent's commission expired May 29, 1900.

Philip Schamber, to be postmaster at Eureka, McPherson County, S. Dak., in place of August Pein. Incumbent's commission expires March 1, 1901.

Christian A. Hanson, to be postmaster at Stoughton, Dane County, Wis., in place of Esther Soby. Incumbent's commission expires March 1, 1901.

APPOINTMENT IN THE ARMY—GENERAL OFFICER.

To be brigadier-general.

Col. Aaron S. Daggett, Fourteenth Infantry, United States Army, February 21, 1901, vice Schwan, retired from active service.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. John B. Babcock, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, February 21, 1901, vice Schwan, appointed brigadier-general, United States Army.

Maj. John A. Johnston, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, February 21, 1901, vice Babcock, promoted.

MEDICAL DEPARTMENT.

Capt. Henry S. T. Harris, assistant surgeon, to be surgeon with the rank of major, February 4, 1901, vice Byrne, promoted.

CAVALRY ARM.

Lieut. Col. Thomas C. Lebo, First Cavalry, to be colonel, February 19, 1901, vice Wessells, unassigned, retired from active service.

Maj. Winfield S. Edgerly, Seventh Cavalry, to be lieutenant-colonel, February 19, 1901, vice Lebo, First Cavalry, promoted.

MEDICAL DEPARTMENT.

Capt. Charles B. Ewing, assistant surgeon, to be surgeon with the rank of major, February 2, 1901, to fill an original vacancy.

Capt. Walter D. McCaw, assistant surgeon, to be surgeon with the rank of major, February 2, 1901, to fill an original vacancy.

Capt. William P. Kendall, assistant surgeon, to be surgeon with the rank of major, February 2, 1901, to fill an original vacancy.

CAVALRY ARM.

Capt. George A. Dodd, Third Cavalry, to be major, February 2, 1901, to fill an original vacancy.

Capt. Henry H. Wright, Ninth Cavalry, to be major, February 2, 1901, to fill an original vacancy.

Capt. Charles M. O'Connor, Eighth Cavalry, to be major, February 2, 1901, to fill an original vacancy.

First Lieut. Edward C. Brooks, Sixth Cavalry, to be captain, February 2, 1901, vice Dodd, Third Cavalry, promoted.

First Lieut. Malvern Hill Barnum, Tenth Cavalry, to be captain, February 2, 1901, vice Hickey, Eighth Cavalry, promoted.

First Lieut. Letcher Hardeman, Tenth Cavalry, to be captain, February 2, 1901, vice McClernand, Second Cavalry, promoted.

First Lieut. Edmund S. Wright, First Cavalry, to be captain, February 2, 1901, vice Hunt, Tenth Cavalry, promoted.

First Lieut. William H. Hay, Tenth Cavalry, to be captain, February 2, 1901, vice Murray, Fourth Cavalry, promoted.

ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Henry W. Butner, Artillery Corps, February 2, 1901, vice Menoher, promoted.

Second Lieut. Marcellus G. Spinks, Artillery Corps, February 2, 1901, vice Mott, promoted.

Second Lieut. Jacob C. Johnson, Artillery Corps, February 2, 1901, vice Stevens, promoted.

Second Lieut. Henry L. Newbold, Artillery Corps, February 2, 1901, vice Davis, promoted.

Second Lieut. Ernest D. Scott, Artillery Corps, February 2, 1901, vice Hinds, promoted.

Second Lieut. Albert G. Jenkins, Artillery Corps, February 2, 1901, vice Robinson, promoted.

Second Lieut. Robert E. Wyllie, Artillery Corps, February 2, 1901, vice Landers, promoted.

Second Lieut. William Forse, Artillery Corps, February 2, 1901, vice Gatchell, promoted.

Second Lieut. Malcom Young, Artillery Corps, February 2, 1901, vice Straub, promoted.

Second Lieut. Laurence C. Brown, Artillery Corps, February 2, 1901, vice Schumm, promoted.

Second Lieut. Harry L. Steele, Artillery Corps, February 2, 1901, vice Hunter, promoted.

APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

To be second lieutenants.

1. Cadet Edward N. Johnston.
2. Cadet Clarence O. Sherrill.
3. Cadet John H. Poole.
4. Cadet Ernest D. Peek.
5. Cadet Walter H. Lee.
6. Cadet George R. Spalding.
7. Cadet Elliott J. Dent.
8. Cadet William G. Caples.
9. Cadet Henry C. Jewett.
10. Cadet Arthur Williams.

CAVALRY ARM.

To be second lieutenants.

12. Cadet William L. Guthrie.
19. Cadet Walter D. Smith.
21. Cadet Harry B. Jordan.
23. Cadet Frank P. Lahm.
25. Cadet Orlando C. Troxel.
29. Cadet Creed F. Cox.
30. Cadet Robert McC. Beck, jr.
33. Cadet George M. Russell.
35. Cadet Lewis Brown, jr.
39. Cadet Jerome G. Pillow.
40. Cadet Ralph N. Hayden.
43. Cadet Leonard W. Prunty.
48. Cadet E. Kersley Sterling.
49. Cadet Wiley P. Mangum, jr.
50. Cadet Charles J. Naylor.
51. Cadet Kerr T. Riggs.
52. Cadet Carl H. Müller.
53. Cadet Allen C. Keyes.
54. Cadet John A. Pearson.
55. Cadet Prince A. Oliver.
56. Cadet Charles Burnett.
57. Cadet Arthur J. Lynch.
60. Cadet Daniel D. Gregory.
61. Cadet John Symington.
62. Cadet Walter H. Smith.
64. Cadet George H. Baird.
65. Cadet William M. Cooley.
66. Cadet William N. Haskell.
68. Cadet Henry A. Meyer, jr.
69. Cadet Frank Keller.
70. Cadet Fred L. Deen.
71. Cadet Guy Kent.
72. Cadet Copley Enos.
73. Cadet Emory J. Pike.

ARTILLERY CORPS.

To be second lieutenants.

11. Cadet Wildurr Willing.
13. Cadet William S. Browning.
14. Cadet Clarence H. Knight.
15. Cadet Nathaniel E. Bower.
16. Cadet Francis W. Clark.
17. Cadet Joseph F. Barnes.
18. Cadet Edward Canfield, jr.

20. Cadet William P. Ennis.
22. Cadet Arthur H. Bryant.
24. Cadet Willis G. Peace.
26. Cadet William P. Platt.
27. Cadet Guy E. Carleton.
28. Cadet Eugene R. West.
31. Cadet Dennis H. Currie.
32. Cadet Beverly F. Browne.
34. Cadet Edward M. Shinkle.
36. Cadet William R. Bettison.
37. Cadet Raymond S. Pratt.
38. Cadet Alfred A. Maybach.
41. Cadet Alden F. Brewster.
42. Cadet John A. Berry.
44. Cadet Gordon Robinson.
45. Cadet Henry M. Dougherty.
47. Cadet Edward H. De Armond.
58. Cadet Claude E. Brigham.
59. Cadet Richard Furnival.
63. Cadet William Tidball.
67. Cadet James Prentice.

APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

To be assistant surgeon of volunteers with the rank of captain.

William F. James, of Texas (acting assistant surgeon, United States Army), February 20, 1901.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 22, 1901.

SPECIAL EXAMINER OF DRUGS, ETC.

William H. Parker, of Massachusetts, to be special examiner of drugs, medicines, and chemicals in the district of Boston and Charlestown, in the State of Massachusetts.

POSTMASTERS.

Robert S. Tucker, to be postmaster at Lake Benton, Lincoln County, Minn.
 J. D. Kirby, to be postmaster at Grand Junction, Greene County, Iowa.
 Edward M. Sutton, to be postmaster at Ocean City, Cape May County, N. J.
 Catherine E. McInnis, to be postmaster at Moss Point, Jackson County, Miss.
 C. G. Spaulding, to be postmaster at Mapleton, Blue Earth County, Minn.
 George A. Cotton, to be postmaster at Depew, Erie County, N. Y.
 John E. Brundage, to be postmaster at West Orange, Essex County, N. J.
 Noah Freeman, to be postmaster at Rockaway, Morris County, N. J.
 Thomas Quinney, to be postmaster at Waynesboro, Burke County, Ga.
 Mary E. Sperry, to be postmaster at North Yakima, Yakima County, Wash.
 Francis M. McKay, to be postmaster at Logan, Hocking County, Ohio.
 Howard P. Dodge, to be postmaster at Manassas, Prince William County, Va.
 Ernest A. de Bordenave, to be postmaster at Franklin, Southampton County, Va.
 Henry L. Eads, to be postmaster at Pattonsburg, Daviess County, Mo.
 Frank E. Sheridan, to be postmaster at Meeker, Rio Blanco County, Colo.
 Jesse J. Flanigan, to be postmaster at Salem, Harrison County, W. Va.
 Olive E. Stout, to be postmaster at Myers, Lee County, Fla.
 Gottlieb Meissenhoelder, to be postmaster at Parkston, Hutchinson County, S. Dak.
 Lewis Tillotson, to be postmaster at Gettysburg, Potter County, S. Dak.
 Eugene A. Foster, to be postmaster at Bradford, Stark County, Ill.
 Willard G. Saltsman, to be postmaster at Charlottesville, Albemarle County, Va.
 Francis M. Johnson, to be postmaster at Bessemer, Jefferson County, Ala.
 Horace I. Pimkham, to be postmaster at Haverhill, Essex County, Mass.
 Maud Dodge, to be postmaster at Mazomanie, Dane County, Wis.
 Frank O. Stead, to be postmaster at Salida, Chaffee County, Colo.
 Stanley E. Moore, to be postmaster at Crewe, Nottoway County, Va.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 22, 1901.

The House met at 12 o'clock m., and was called to order by the Speaker.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord our God and Father, we have more blessings than we can number and more gratitude than we can express. We are reminded to-day of the noble sentiment which inspired our fathers and exalted them to the apostles of freedom and liberty; especially of our revered Washington, who saw the star of destiny and with courage, fortitude, and bravery followed it, thus leading our fathers through the Red Sea, through the Wilderness, and finally established them by his counsels in peace in the Promised Land, "a government of the people, by the people, for the people," which in grandeur and glory towers above all the nations of the earth, a monument indeed to their heroism and his illustrious character which shall shine forever among men as the stars of the firmament. Glory and honor be Thine forever for the brave, the good, the pure; and may it be ours to cherish in our hearts his virtues and weave them into the fibers of our being, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHARLES H. HAWLEY.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1673) to grant an honorable discharge from the military service to Charles H. Hawley.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Charles H. Hawley from the service as a second lieutenant of the Sixteenth Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 25th day of January, 1863, and that said Hawley shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Is this a bill to remove a charge of desertion?

Mr. CAPRON. No.

Mr. RICHARDSON of Tennessee. It is a bill to correct a military record?

Mr. CAPRON. To correct a military record.

Mr. RICHARDSON of Tennessee. We should be glad to have some statement of the reason why the Department can not do this.

Mr. CAPRON. Mr. Speaker, this is a bill which has passed the Senate to correct the military record of Lieut. Charles H. Hawley.

Lieutenant Hawley was in the Army and performed faithful service until October, 1862, when his wife was taken seriously and, as it proved afterwards, fatally ill. He asked for leave of absence to go home on account of this illness of his wife. A few days before there had been an order issued from the corps headquarters that no officer should resign, and that in case an officer did resign at that time he should be dishonorably discharged. Lieutenant Hawley, in the face of the fact that his wife was in this critical condition, which resulted in her death, sent in his resignation, and it was accepted with dishonorable discharge. His wife died. He afterwards enlisted in the service and performed honorable service until the end of the war. It is simply to remove that dishonorable discharge, and the bill prevents him from having any pay allowance or other emolument.

Mr. SLAYDEN rose.

The SPEAKER. Does the gentleman from Rhode Island yield to the gentleman from Texas?

Mr. CAPRON. With pleasure.

Mr. SLAYDEN. Will my colleague on the committee inform me—I confess I do not remember about the report having been read in the committee—whether or not the wife of Lieutenant Hawley died of the illness which induced him to resign in the face of the fact that his resignation would be considered a dishonorable discharge, or did she die a long time subsequent thereto?

Mr. CAPRON. The wife died within a very few months of the time of this discharge. After the death of his wife the officer reenlisted as a private soldier and served honorably until the end of the war.

Mr. SLAYDEN. It was some months afterwards, however?

Mr. CAPRON. It was a few weeks or months afterwards; but I am certain that my memory is correct when I say that he reenlisted and served nearly two years after the death of his wife.

Mr. HULL. He resigned a commission and reenlisted as a private soldier?

Mr. CAPRON. He reenlisted as a private soldier and so served.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I should like to have the report read in this case, if it is not a long report.

Mr. STEELE. I should like to know if there was any other offense than that of resigning?

Mr. CAPRON. No other offense than just his resignation. The Senate committee have given very careful consideration to the case, and the Senate report is incorporated in the report made by our committee.

The SPEAKER. Does the gentleman from Tennessee desire to have the report read?

Mr. CAPRON. I will state that the report contains substantially what I have stated.

Mr. TALBERT. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Rhode Island yield to the gentleman from South Carolina?

Mr. CAPRON. With pleasure.

Mr. TALBERT. I want to ask if the only object of this bill is to remove a charge of desertion?

Mr. CAPRON. That is all.

Mr. TALBERT. It does not ask for anything else?

Mr. CAPRON. The bill specifies that he shall receive no pay, bounty, or other emolument.

Mr. STEELE. There was no charge of desertion in this case?

Mr. CAPRON. Not at all.

Mr. TALBERT. Does he expect to apply for a pension hereafter?

Mr. CAPRON. The bill says that he shall receive no pay, bounty, or other emolument.

Mr. TALBERT. Will the gentleman accept an amendment after the word "bounty" to insert the word "pension," so that he shall receive no pension?

Mr. CAPRON. I want to say to my friend from South Carolina that if the man receives an honorable discharge from this Government, I do not know whether he wants a pension or not, but he has as good a right to a pension as any other honorably discharged soldier.

Mr. TALBERT. Mr. Speaker, I understood the gentleman to say that his only object upon the face of God's earth was to have the charge removed.

Mr. CAPRON. I do not remember saying anything about "the face of God's earth."

Mr. TALBERT. Why does the gentleman object to that amendment?

Mr. CAPRON. Because I do not want to condemn a man unjustly.

Mr. TALBERT. This is an exceptional case, as I understand it.

Mr. CAPRON. I do not think it is exceptional, except in so far as the fact that here is a man who resigned—

Mr. TALBERT. I am trying to help the gentleman out of a scrape, and he will not let me help him.

Mr. CAPRON. The gentleman does not very often get into any scrapes.

The SPEAKER. The House will be in order. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of line 11 the words "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of this act."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CAPRON, a motion to reconsider the last vote was laid on the table.

HERMAN VON MARSDORF.

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8270) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Herman Von Marsdorf as a Lieutenant of Company D, First Maryland Cavalry, and to grant him an honorable discharge as of the date of said order.

The following amendment, recommended by the Committee on Military Affairs, was read:

Insert, at the end of line 7, the words "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GREEN of Pennsylvania, a motion to reconsider the last vote was laid on the table.

RAILROAD RIGHT OF WAY THROUGH PUBLIC LANDS.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12327) to amend an act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That all lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however,* That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further,* That the railroad companies availing themselves of this act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations lands needed for the use of the present reservoir system, or in the construction of dams or other works or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I should like to ask the gentleman what committee reported this bill?

Mr. STEVENS of Minnesota. The Committee on Rivers and Harbors.

Mr. RICHARDSON of Tennessee. Was it a unanimous report?

Mr. STEVENS of Minnesota. Yes; with amendments. Mr. Speaker, there are three amendments suggested by the committee.

The SPEAKER. The Clerk will report the amendment.

The amendment was read, as follows:

Insert after the word "system," in line 24, the following:

Provided further, That the plan for location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him, and by the Chief of Engineers of the United States Army."

The amendment was agreed to.

Mr. STEVENS of Minnesota. Mr. Speaker, there are two other amendments set forth in the report.

The SPEAKER. The bill does not give them.

Mr. STEVENS of Minnesota. The report indicates them.

The SPEAKER. The Clerk will report the other amendments.

The Clerk read as follows:

Add after the word "location," in line 15, page 2, the words "with elevation of rail."

Add after the word "stations," in line 18, page 2, the words "or interferes with submergence of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER, CARTHAGE, TENN.

Mr. SNODGRASS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 13992) authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.

The bill and the amendments recommended by the committee were read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SNODGRASS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to call up the bill S. 5014.

The Clerk read as follows:

A bill (S. 5014) authorizing the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

OMAHA NORTHERN RAILWAY COMPANY.

Mr. ROBINSON of Nebraska. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 4880) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

The bill was read at length.

Mr. BABCOCK. Mr. Speaker, reserving the right to object, I would like to have a statement of the gentleman what it proposes to do, and where this line of road runs.

Mr. ROBINSON of Nebraska. I will state to the gentleman that this was a law enacted in 1898, giving to this railroad the right to pass over the Omaha and Winnebago Reservation.

Mr. BABCOCK. Where is the line located?

Mr. ROBINSON of Nebraska. It starts from Omaha and goes up north as far as Sioux City; that is as far as the incorporation articles show. This is a right to extend that line.

Mr. BABCOCK. Mr. Speaker, I shall have to object to it until I can have time to look into it. I have friends and constituents affected by it.

The SPEAKER. Objection is made.

SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS.

Mr. LITTLEFIELD. Mr. Speaker, I am instructed by the Committee on the Judiciary to ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists.

Be it enacted, etc., That James Dean, of Freeport, Charles W. Ward, of Queens, William Scott, of Buffalo, and Charles Henderson, of New York City, all in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welsh, of Boston, Edmund M. Wood, of Natick, and Lawrence Cotter, of Dorchester, all in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summit, John G. Esler, of Saddle River, Patrick O'Mara, of Jersey City, William A. Manda, of South Orange, all in the State of New Jersey; Benjamin Durfee, William R. Smith, William F. Gude, and Henry Small, jr., of Washington, in the District of Columbia; Willis N. Rudd, of Chicago, Emil Buettner, of Park Ridge, John C. Vaughan, of Chicago, all in the State of Illinois; Joseph A. Dirwanger, of Portland, in the State of Maine; Robert Craig, Edwin Lonsdale, W. Atlee Burpee, and John Burton, of Philadelphia, H. B. Beatty, of Oil City, and William Falconer, of Pittsburg, all in the State of Pennsylvania; George M. Kellogg, of Pleasant Hill, in the State of Missouri; John T. D. Fulmer, of Des Moines, and J. C. Rennison, of Sioux City, in the State of Iowa; L. A. Berckmans, of Augusta, in the State of Georgia; H. Papworth, of New Orleans, in the State of Louisiana; Elmer D. Smith, of Adrian, and Harry Balsley, of Detroit, in the State of Michigan; F. A. Whelan, of Mount Vernon on the Potomac, in the State of Virginia; Adam Graham, of Cleveland, in the State of Ohio; William Fraser, of Baltimore, in the State of Maryland; John Spalding, of New London, and John N. Champion, of New Haven, in the State of Connecticut; and Charles W. Holitt, of Nashua, in the State of New Hampshire, their associates and successors, are hereby created a body corporate and politic by the name of the Society of American Florists and Ornamental Horticulturists, for the development and advancement of floriculture and horticulture in all their branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of floriculture and horticulture. Said association is authorized to adopt a constitution and to make by-laws not inconsistent with law, to hold real and personal estate in the District of Columbia, so far only as may be necessary to its lawful ends, to an amount not exceeding \$50,000, and such other estate as may be donated or bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in the act. The principal office of the association shall be at Washington, in the District of Columbia, but annual meetings may be held in such places as the incorporators or their successors shall determine. Said association shall from time to time report its proceedings to the Secretary of Agriculture, at least once in each year, and said Secretary may communicate such report in whole or in part to Congress.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act in whole or in part.

The amendments recommended by the committee were read, as follows:

Line 20, page 2, after the word "politic," insert "within the District of Columbia."

Page 3, commencing with the word "Said," line 11, strike out all the balance of the section.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I want the gentleman to give us some explanation of the incorporation of this society.

Mr. STEELE. I do not really want an explanation—I object.

The SPEAKER. Objection is made by the gentleman from Indiana.

Subsequently,

Mr. STEELE. Mr. Speaker, I withdraw my objection presented to the bill called up by the gentleman from Maine.

The SPEAKER. The gentleman from Indiana withdraws his objection to the bill called up by the gentleman from Maine. Is there further objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand the amendments attached to this bill expressly provide that it shall be an incorporated company within the District of Columbia.

Mr. LITTLEFIELD. Precisely.

Mr. RICHARDSON of Tennessee. And, of course, if unanimous consent is given, it is with the understanding that the two amendments shall be agreed to?

Mr. LITTLEFIELD. I shall ask the adoption of the two amendments, one of which includes the idea suggested by the gentleman from Tennessee, and the other simply does not require the association to make a report to the Secretary of Agriculture.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading.

Mr. RICHARDSON of Tennessee. I suggest that the title ought to be amended so as to provide that it should be a society of the District of Columbia. That is usually done where the charter is made.

Mr. LITTLEFIELD. I beg the gentleman's pardon.

Mr. RICHARDSON of Tennessee. It is usual to have the title express the object and the purpose of the incorporation.

The SPEAKER. The gentleman makes the point that the title of the bill as printed does not properly refer to the work the bill is to do. That would come in, however, after its passage.

Mr. LITTLEFIELD. The gentleman would like to add that to the title?

Mr. RICHARDSON of Tennessee. I think so.

Mr. LITTLEFIELD. I shall be glad to do so.

The SPEAKER. That will come after the passage.

The question was taken, and the bill was passed.

The SPEAKER. Without objection the amendment to the title suggested by the gentleman from Tennessee will be agreed to. There was no objection, and it was so ordered.

BRIDGE ACROSS THE PEARL RIVER AT MONTICELLO, MISS.

Mr. McLAIN. Mr. Speaker, I ask for the present consideration of the bill (H. R. 14144) to authorize the construction of a bridge across Pearl River at Monticello, Miss.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McLAIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOAN OF NAVAL EQUIPMENTS TO CERTAIN MILITARY SCHOOLS.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1023) to authorize the Secretary of the Navy to loan naval equipments to certain military schools.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State desiring to afford its cadets instruction in elementary seamanship one fully equipped man-of-war's cutter for every 20 cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for conducting, upon some body of water suitable for such drills, cutter drill, and shall have in actual attendance at least 150 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case in double the value of the property for the care and safe-keeping thereof and for the return of the same when required.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Before consent is given, Mr. Speaker, I would like to ask if the bill has been unanimously reported by the Committee on Naval Affairs?

Mr. BRICK. It passed the Senate at the last session and has been unanimously reported by the Committee on Naval Affairs.

Mr. RICHARDSON of Tennessee. Has it been submitted to the Secretary of the Navy and by him approved?

Mr. BRICK. It has been submitted to the Secretary of the Navy and is entirely satisfactory to him. In fact, he has requested that it should pass.

Mr. COONEY. Mr. Speaker, I object.
The SPEAKER. Objection is made.

SUBPORT OF ENTRY AT DOUGLAS, ARIZ.

Mr. WILSON of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5350) for the establishment of a subport of entry at Douglas, Ariz.

The Clerk read the bill, as follows:

Be it enacted, etc., That Douglas, in the district of Arizona, Territory of Arizona, shall be established a subport of entry, and a deputy collector shall be appointed who shall reside at said subport of entry and receive such compensation as the Secretary of the Treasury may allow.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. McDOWELL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. HEDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

The Clerk read the bill at length, and also the amendments recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause]. The Chair hears none.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HEDGE, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS FLINT RIVER, GEORGIA.

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13907) to authorize the Georgia Pine Railway, of Georgia, to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.

The Clerk read the bill at length, and also the amendments recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. GRIGGS, a motion to reconsider the last vote was laid on the table.

NATHAN S. JARVIS.

Mr. MARSH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3270) for the relief of Nathan S. Jarvis, to which I will offer an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Nathan S. Jarvis, late captain and assistant surgeon, United States Army, a captain and assistant surgeon, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Provided, That before his appointment he be examined by a board of officers appointed by the Secretary of War before whom he shall appear for examination, the result of which shall show that he would be eligible for retirement as captain and assistant surgeon.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAY. Mr. Speaker, reserving my right to object, I would like to hear the gentleman explain what the bill is.

Mr. MARSH. Mr. Speaker, the gentleman from Virginia knows that I have only a minute in which to make an explanation. This is a bill passed by the Senate and reported by the committee of which the gentleman is an honored member. I have offered an amendment that before this officer can be retired he shall go before a board of officers to be appointed by the Secretary of War, and their finding must show that he is at the present time, under existing law, entitled to retirement.

Mr. HAY. Mr. Speaker, I will withdraw the objection.

Mr. RICHARDSON of Tennessee. Do I understand that this bill is to promote this man and then put him on the retired list?

Mr. MARSH. I hope the gentleman from Tennessee will withdraw his objection.

Mr. RICHARDSON of Tennessee. I have not objected yet.

Mr. MARSH. The time in which this bill can be considered will expire in one minute, and then, if it is not disposed of, it must go over.

Mr. RICHARDSON of Tennessee. We do not want to promote a man and then put him on the retired list unless there is some good reason for it.

Mr. MARSH. If I had the time I could show the merits of this case. The bill passed the Senate unanimously, and has been reported favorably by the Committee on Military Affairs, and I have offered an amendment on my own responsibility that covers any possibility of wrong being done by this bill. It provides that the officer shall go before a board to be appointed by the Secretary of War, and that board shall find that at the present time he would be entitled, if in the service, to retirement under existing law. I hope my friend from Tennessee will respect the Committee on Military Affairs sufficient to take it for granted that the bill is right.

Mr. RICHARDSON of Tennessee. Did the Committee on Military Affairs unanimously report the bill?

Mr. MARSH. I will not say that it was the unanimous report, Mr. Speaker, but I will say that unanimous reports are often open to suspicion. When a report is unanimous, with absolutely no dissent, it may well challenge investigation.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to a third reading, read a third time, and passed.

On motion of Mr. MARSH a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now read the order of the House which fixes the business to succeed the order of business just exhausted.

The Clerk read as follows:

On motion of Mr. PAYNE, by unanimous consent it was *Ordered*, That the time between 12 and 1 o'clock, Friday, February 23, 1901, be devoted to the consideration of bills called up by unanimous consent; that the time between 1 and half-past 3 o'clock be devoted to the consideration of bills reported by the Committee on Claims, consideration being given to such bills as are selected by the chairman; that the remainder of the time, from half-past 3 o'clock to 6 o'clock p. m., be devoted to the consideration of bills reported by the committees on Pensions and Invalid Pensions and to such bills as shall be selected by the chairmen of the two committees.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, in pursuance of the order just read.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. LACEY in the chair.

The CHAIRMAN. Business on the Private Calendar reported from the Committee on Claims is now in order. The chairman of that committee is recognized.

AQUILLA J. DAUGHERTY.

Mr. GRAFF. I call up the bill (H. R. 14028) for the relief of Aquilla J. Daugherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to cause to be investigated and examined the circumstances of the alleged burglary of the office of the collector of the Fifth internal-revenue district of the State of Illinois, at Peoria, Ill., on or about the 25th day of January, A. D. 1901, when it is alleged that United States internal-revenue documentary stamps of the face value of \$24,974.15 and United States internal-revenue proprietary stamps of the face value of \$8,922.31½ were stolen from the vault in said office of said collector, said stamps having been received by Aquilla J. Daugherty, collector of the Fifth internal-revenue district of the State of Illinois, and in his possession as such collector at the time of said alleged burglary and the alleged stealing of said stamps; and if upon such investigation and examination the Secretary of the Treasury is satisfied that none of said stamps were ever issued or used by said collector or his employees, and that all of said stamps were stolen and said office burglarized as aforesaid, without fault of said collector, then the Secretary of the Treasury shall credit said Aquilla J. Daugherty with the number and value of said stamps and release him from further responsibility therefor.

Mr. GRAFF. Mr. Chairman, this bill simply authorizes the Secretary of the Treasury to relieve the technical charge against the collector of internal revenue of the Fifth revenue district of Illinois for some \$22,000 worth of revenue stamps which were stolen from his office in January last. I think the general law ought to authorize the Department to deal with such cases, but it does not.

The report in this case is short, but I do not think it is necessary to read it. It shows clearly that this robbery was done by experts, who broke open the Government safe in the Government building at Peoria, Ill. The bill authorizes the Secretary of the Treasury to relieve the collector only upon investigation showing that the collector was not at fault. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOPKINS. Does the gentleman think that the bill is properly guarded and is meritorious?

Mr. GRAFF. Well, I naturally think the bill is properly drawn. I wrote it myself. [Laughter.]

Mr. TALBERT. Is not this the same bill which the gentleman undertook to bring up a short time ago by unanimous consent?

Mr. GRAFF. Yes, sir.

Mr. TALBERT. I understand that the beneficiary of the bill has been stricken with paralysis and is unable to give any statement of the case in his own behalf.

Mr. GRAFF. That is true. The circumstances of the robbery have not yet been told to him.

The motion of Mr. GRAFF was agreed to; and the bill was laid aside to be reported to the House with a favorable recommendation.

ELIZA R. CRAWFORD.

Mr. GRAFF. I call up the bill (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they hereby are, authorized and directed to settle the claim of Eliza R. Crawford for one loan certificate, authorized by the resolution of the United States passed February 22, 1777, and issued February 1, 1779, in the name of Samuel Allison, No. 4458, for \$400, which certificate appears by the books of the Treasury to be outstanding and unpaid, and to ascertain the true specie value thereof; and that the amount so ascertained, with interest thereon from the 1st day of January, 1788, be paid to the said Eliza R. Crawford, out of any money in the Treasury not otherwise appropriated, on presentation and surrender of said certificate.

The amendment reported by the Committee on Claims was read, as follows:

Strike out all in the bill after the words "and unpaid, and" and insert in lieu thereof the following: "The sum of \$46.09, the specie value of said certificate at its date, with interest thereon at the rate of 6 per cent per annum from the 1st day of January, 1788, to 28th day of June, 1834, be paid to the said Eliza R. Crawford out of any money in the Treasury not otherwise appropriated, on presentation and surrender of said certificate."

Mr. GRAFF. Mr. Chairman, this bill is for the purpose of paying a loan certificate issued by the Government before the adoption of the Federal Constitution. Most of these certificates have of course long since been paid or provided for. The original certificate in this case is in the possession of the beneficiary named in this bill. The bill was introduced by the gentleman from New Hampshire [Mr. SULLOWAY], who sent the loan certificate to the Secretary of the Treasury for the purpose of ascertaining its real value. The face value is \$400, but it was payable in Continental money, so that while the face value is \$400, the real value is only about \$46. I think there can be no question that the beneficiary is entitled to the redemption of this certificate. I will add that there are affidavits incorporated in this report tracing the ownership of this loan certificate down to the beneficiary named in the bill and that the Secretary of the Treasury, who has a record of these loan certificates, writes that this particular certificate has never been paid.

Mr. MADDOX. As I understood the reading of the bill, there is a provision for the payment of interest from 1788 to 1834.

Mr. GRAFF. The reason for that is this: Nearly all of these certificates were paid under a general provision of law which allowed interest for the period named. Hence, for that particular period we propose to allow interest in accordance with the precedents established by prior legislation dealing with a great many owners of similar certificates.

I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

W. T. FITZPATRICK.

Mr. GRAFF. I call up the bill (H. R. 568) for the relief of W. T. Fitzpatrick, of Bedford City, Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to W. T. Fitzpatrick, of Bedford City, Va., out of any funds not otherwise appropriated, the sum of \$75, the same being amount paid by him as surety for Robert M. Garrett, a distiller, whose brandy, while unstamped, was destroyed by fire.

Mr. GRAFF. I yield to the gentleman from Virginia [Mr. OTEY], who introduced this bill.

Mr. OTEY. Mr. Chairman, the circumstances of this case are set forth in the report, which is short and which I ask may be read. The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 568) for the relief of W. T. Fitzpatrick, Bedford City, Va., beg leave to submit the following report and recommend that said bill do pass without amendment:

The facts are as follows: Mr. E. M. Garrett, a brandy distiller, of Bedford County, Va., was assessed, in December, 1885, for tax on brandy amounting to \$80.30 on 67 gallons of brandy produced by him in August, 1885.

Mr. W. T. Fitzpatrick was surety on Garrett's bond. Early in spring of 1886 the house in which the liquor was stored was destroyed by fire. The tax had accrued on it, and the claim is made that an error was made in collecting it. But the fact is that Mr. Garrett was a poor man and his brandy was destroyed and he could not pay the tax, so his surety on the bond promptly paid for the stamps necessary, although there were no packages on which to place them.

Mr. Garrett made a claim for abatement under Form 46, but if it ever reached the Department it was mislaid. There is no record of its having been filed. Thus Mr. Fitzpatrick, waiting to hear from it, finally ascertained that there was no law for relieving him; he paid the amount and interest, and hence Senator DANIEL presented a bill for his relief some years ago, and in the Fifty-fourth Congress another bill was presented, but it never got a hearing owing to papers having been misplaced.

The Commissioner of Internal Revenue stated that no proof of the loss as alleged was submitted, but even if it had been proven that the brandy was destroyed by fire in the place of deposit there was no law to permit an abatement of the tax or refund of any amount paid as such tax.

Your committee recognize that there is no existing law permitting the abatement, and hence the bill for relief is presented in Congress. In corroboration of the facts, and especially the proof that the property was destroyed by fire, we append letters and affidavits. The brandy was burned and Garrett got no benefit of his labor and material. The United States Government got tax on that which was never sold, never drank. Garrett could not pay the tax. His surety, Fitzpatrick, did, and to relieve him is but equitable and just, as the Government suffered no loss. Even had the tax been paid and stamps affixed to packages prior to destruction by fire, it would have been but just to have refunded the amount of the tax to the principal, and where the surety has paid it because of insolvency of the principal we think it is no less so.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY R. FROST.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 3696) for the relief of Mary R. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to redeem, in favor of the administrator of the estate of Mary R. Frost, United States 4½ per cent registered bonds issued under the acts of July 14, 1870, and January 20, 1871, No. 2235, for \$50; No. 12657, for \$100; No. 7392, for \$500, inscribed in name of Mary R. Frost, with interest accrued and unpaid to the date of their maturity, said bonds having been lost in the mails after having been assigned in blank by the said payee: *Provided*, That the said administrator shall first file in the Treasury a bond, in a penal sum in double the amount of said missing bonds and interest due on the same, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost bonds.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

J. A. B. MILES AND OTHERS.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 8032) for the relief of J. A. B. Miles, E. D. Kelly, and Rawlings Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James A. B. Miles, \$200; to E. D. Kelly, \$28.02, and to Rawlings Webster, \$440.79, as a reimbursement to the aforesaid Miles, Kelly, and Webster for moneys paid by them to the United States internal-revenue collector at Brooklyn, N. Y., to cover shortage in the adhesive-stamp account in the internal-revenue department in Brooklyn, N. Y., said shortage not having been caused by any malfeasance or dishonesty on the part of the aforesaid Miles, Kelly, or Webster. The above appropriation shall be in full for all claims against the United States Government.

The CHAIRMAN. The question is on ordering the bill to be laid aside.

Mr. SMITH of Kentucky. Mr. Chairman, I should like to hear some explanation of this matter.

Mr. DRIGGS. Mr. Chairman, I simply desire to say that this bill passed the House in the last session of Congress. It went over to the Senate and was not passed there, in consequence of the fact that there was a little conflict between this bill and several others similar to it. The reason for the payment of this shortage to these men is simply this: After the passage of the war-revenue act of June 13, 1898, there was a great deal of confusion in distributing the internal-revenue stamps throughout the various internal-revenue offices of the country; and when it came time to account for the stamps, there was a shortage in the Brooklyn internal revenue department amounting, as you can see from this bill, in all to about \$990. This bill is simply to reimburse these three young men for the shortage which was charged up against them, they not being in any way responsible for that shortage, it being in part due to the sending of the stamps from the Internal Revenue Department in broken packages and their not being properly received, and partly due to the fact that the internal-revenue department in Brooklyn was careless in accounting for those stamps. I know of no fairer claim or proposition that could be brought before Congress than the allowance of this money to these young men. They have paid it, and it seems to me they ought to be repaid for what they have been compelled to pay because of the carelessness of one of the Departments.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN M. GUYTON.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 1017) for the relief of John M. Guyton.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$484.79 be allowed to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 30th day

of January, 1890, without blame or fault on the part of the said John M. Guyton, and that a sum sufficient to pay the allowance now made is hereby appropriated out of any moneys not otherwise appropriated.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

L. O. MADDUX.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 155) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.

The bill was read, as follows:

Whereas under section 3309 of the Revised Statutes of the United States a certain assessment was levied against one L. O. Maddux for a deficiency in the production of distilled spirits; and

Whereas said deficiency was caused by a series of experiments conducted by said Maddux with the knowledge and approval of the appropriate officers of the Internal Revenue Bureau of the Treasury Department, and said Maddux was under the impression that the officers of said Bureau or Department, respectively, had power to remit such assessment as might under the circumstances be incurred; and

Whereas said Maddux was guilty of no fraud or fraudulent intent in conducting said experiments; and

Whereas no loss was thereby caused to the United States or any Department of the Government, and said Maddux is equitably entitled to a remission of said assessment, but no power seems to reside in any officer of the Government to remit the same: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby empowered and directed to remit and release an assessment of \$29,593.85, assessed by the Commissioner of Internal Revenue on the November list of 1892 in the first collection district of Ohio against L. O. Maddux, doing business as Maddux, Hobart & Co., by reason of a deficiency aggregating 32,882.05 gallons of distilled spirits below the requirement of 80 per cent of the producing capacity of the distillery operated by said L. O. Maddux.

SEC. 2. That said L. O. Maddux, and the said distillery operated by him, and the real estate whereon the same is situated, and the sureties of said L. O. Maddux, be, and they are hereby, released and discharged from any and all liability upon and under said assessment; and the proper officer of the United States Treasury Department is hereby authorized and directed to cancel and discharge of record all said liability and all lien arising therefrom.

Mr. GRAFF. Mr. Chairman, this bill is to relieve L. O. Maddux, who was operating a distillery at Cincinnati, Ohio, several years ago, and who attempted the experiment of making alcohol out of a low grade of molasses. Under the existing law the capacity of the distillery was fixed by the Treasury Department, and under that law at that time, as now, the distiller failing to make the minimum amount fixed as the capacity of the distillery was compelled to pay a tax on what he failed to make below the minimum amount. It being an experiment, it turned out that it was impossible for the distillery to make the requisite amount of alcohol out of this low grade of molasses, and hence the experiment was discontinued, but it incurred a loss upon the distiller, and an unjust one. The relief is recommended by the Commissioner of Internal Revenue and the Treasury Department, and it has been standing charged upon the books for a number of years.

Mr. BERRY. Will the gentleman allow me to make one remark?

Mr. GRAFF. Certainly.

Mr. BERRY. Before Maddux & Co. undertook this operation, which was an experiment, they sent for the officers of the Government and informed them of the facts. This case is different from ordinary cases. It was an experiment, and the revenue officers were fully informed of the facts.

Mr. PAYNE. This case was before the Committee on Ways and Means some years ago, and we examined it and found the facts precisely as stated by the gentleman from Illinois.

Mr. GRAFF. In other words, this is to relieve them from the tax imposed upon them for alcohol which they did not in fact manufacture.

Mr. CARMACK. Is this the unanimous report of the committee?

Mr. GRAFF. It is. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. BROMWELL. Mr. Chairman, I want to suggest to the chairman of the Committee on Claims, in connection with this bill, that the Senate has passed identically the same bill (S. 880), and I ask unanimous consent that Senate bill 880 may be substituted for the House bill which has just been acted upon.

Mr. GRAFF. I hope that may be done.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to substitute Senate bill 880, which is identical with the House bill just acted upon by the committee. Is there objection? There was no objection.

Mr. BROMWELL. And that the House bill be laid upon the table.

The CHAIRMAN. By unanimous consent, the action of the House in laying aside the House bill will be rescinded.

There was no objection.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. FITZGERALD of New York having taken the chair as Speaker pro tempore, a message

in writing was received from the President of the United States, by one of his secretaries.

J. V. DAVIS.

The committee resumed its session.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 2294) for the relief of J. V. Davis, of Alexandria, Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. V. Davis, superintendent of the Alexandria (Va.) National Cemetery, the sum of \$950, out of any moneys in the Treasury not otherwise appropriated, to reimburse him for personal property destroyed by fire, which loss was incurred in his efforts to save the property of the United States.

Mr. MADDOX. Mr. Chairman, I should like to have an explanation of this.

Mr. GRAFF. I will yield to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Chairman, this bill is in favor of J. V. Davis, who was an officer in the civil war, and who in 1878 was superintendent of the national cemetery at Alexandria. A fire broke out in the lodge or building which he occupied at the cemetery, and it was entirely destroyed. He could have saved his own property, but the evidence before the committee shows that he told the assistant who came to his aid to save the property of the United States. As a consequence his own property was destroyed. He filed a list of the property before the committee, showing the value of his property to be \$954. The committee have recommended an amendment cutting this amount down to \$500. Some few years ago Captain Davis made his claim to the War Department and that Department made the following indorsement, soon after the fire:

WAR DEPARTMENT, Washington City, December 14, 1878.

The Secretary of War has the honor to transmit to the House of Representatives copy of a communication from Superintendent J. V. Davis, in charge of the national cemetery at Alexandria, Va., dated the 14th ultimo, requesting to be reimbursed for loss sustained by the burning of the lodge at said cemetery on the 9th of August, 1878; also schedule of the articles destroyed and their value.

It will be seen from the indorsement of Captain Rockwell, depot quartermaster, that "the superintendent lost his personal effects in his efforts to save the public property." The application of Superintendent Davis is therefore respectfully recommended to the favorable consideration of Congress.

Respectfully submitted.

GEO. W. McCRARY,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The committee, however, upon careful consideration of all the facts and circumstances, recommended that the bill be amended by striking out the words "nine hundred and fifty," in line 6, and inserting in lieu thereof the words "five hundred," and that as so amended the bill do pass.

The amendment recommended by the committee, striking out "nine hundred and fifty" and inserting "five hundred," was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. WANAMAKER.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 860) for the relief of William H. Wanamaker.

The bill was read, as follows:

A bill (H. R. 860) for the relief of William H. Wanamaker.

Whereas Gideon W. Marsh, president of the Keystone National Bank, of the city of Philadelphia, was, upon the 4th day of May, 1891, arrested under a warrant duly issued for that purpose, charged with the crime of making false reports of the condition of the said Keystone National Bank to the Comptroller of the Currency, with intent to deceive; with willfully misapplying certain of the funds of a national banking association while an officer thereof, and with conspiring to make false entries in the books of the said bank with intent to deceive the bank examiner; and thereupon such proceedings were had that upon the 16th day of May, 1891, the said Gideon W. Marsh was held in bail in the sum of \$20,000 to appear before Samuel Bell, United States commissioner, at his office in the city of Philadelphia, on Thursday, May 21, 1891, at 2 o'clock p. m., and did thereupon enter into a recognizance to do so, with William H. Wanamaker and James H. Jones as his sureties and bail therein; and

Whereas said Gideon W. Marsh fled the jurisdiction after the entry of said bail and failed to appear before the said Samuel Bell, United States commissioner, at the time fixed therefor, and by reason thereof his said bail was forfeited and his sureties and bail became liable to pay the amount of said bond to the United States of America; and

Whereas afterwards a suit was duly commenced in the district court of the United States for the eastern district of Pennsylvania, as of May sessions, 1891, No. 3, to recover from the said William H. Wanamaker the amount of the said bond, and thereunder such proceedings were had that upon the 31st day of October, 1891, the said William H. Wanamaker had duly paid into the registry of the said court the sum of \$20,000, the amount of said bond; and

Whereas afterwards, on the 1st day of January, 1892, under an order of the said court distributing the said fund, there was awarded to the clerk of the said court, as and for his commissions thereon, in accordance with law, the sum of \$20, and to the United States of America the balance thereof, to wit, the sum of \$19,800, which sum has been duly paid into the Treasury of the United States; and

Whereas said Gideon W. Marsh has, since the 16th day of May, 1891, up to and until the 3d day of November, 1898, been a fugitive from justice and his whereabouts unknown; and

Whereas on said 3d day of November, A. D. 1898, said William H. Wanamaker, his bail as aforesaid, did produce the body of the said Gideon W.

Marsh and surrender him into the custody of the marshal of the United States, to answer the crimes with which he stood charged as aforesaid; and Whereas afterwards, upon being duly indicted and arraigned therefor, said Gideon W. Marsh did plead "guilty" to the indictments so found against him, and thereunder was, upon the 13th day of December, 1898, duly sentenced by the district court of the United States for the eastern district of Pennsylvania to undergo an aggregate imprisonment of twelve years and three months, and to pay a fine of \$500 and the cost of prosecution, and thereunder said Gideon W. Marsh has been committed to the eastern penitentiary of the State of Pennsylvania, and is now undergoing his term of sentence therein; and

Whereas said William H. Wanamaker, in addition to the amount of the said bail bond so as aforesaid paid by him to the United States of America, has paid and disbursed large sums of money in and about the effort and endeavor to discover the whereabouts of said Gideon W. Marsh, and to procure and obtain his return from Brazil, Jamaica, and elsewhere, where it was rumored and reported that he then was; and

Whereas by reason of the premises it is now equitable and proper that the amount of the said money so paid to the United States of America by the said William H. Wanamaker as bail for the said Gideon W. Marsh should be returned to him: Now, therefore,

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby authorized and directed to pay unto William H. Wanamaker the sum of \$20,000, as and for the reimbursement and return to him of the amount of money paid by him to the United States as surety and bail for said Gideon W. Marsh, and that the sum of \$20,000 is hereby appropriated for that purpose, out of any moneys of the United States not otherwise appropriated.

Mr. GRAFF. I desire to make a parliamentary inquiry as to the proper method of striking out the preamble. It occurs to me that the preamble ought to be stricken out and the bill laid aside with a favorable recommendation with that amendment.

The question was taken; and the preamble was stricken out.

The bill as amended was laid aside with a favorable recommendation.

LEONARD WILSON.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 7830) for the relief of Leonard Wilson.

Mr. STEELE. Let us have the report read.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I ask that the Senate bill 3339 be substituted. It is identical in terms.

The CHAIRMAN. The gentleman from Illinois will please give his attention. The gentleman from Massachusetts asks the substitution of the Senate bill.

Mr. GRAFF. I have no objection.

The Clerk read as follows:

A bill (S. 3339) for the relief of Leonard Wilson.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Leonard Wilson, out of any moneys in the Treasury not otherwise appropriated, \$642.68, for services rendered to the United States, in excess of the ordinary number of working hours, in Cuba, at Camp Wikoff, Montauk Point, Long Island, and at Huntsville, Ala., while serving in a civil capacity under the War Department with Maj. Gen. Joseph Wheeler, United States Volunteers, during the war with Spain.

Mr. FITZGERALD of Massachusetts. I move that it be laid aside.

Mr. STEELE. I ask for the reading of the report.

Mr. FITZGERALD of Massachusetts. I will save the time of the House instead of reading the report by making a short statement. Mr. Wilson was a clerk in the War Department who was detailed to service during the Spanish-American war. He participated in the Santiago campaign and worked as private secretary and executive clerk to General Wheeler. He was on his feet engaged in active duty from sixteen to eighteen hours a day, beginning with the hostilities and continuing until the close of the war. This claim has passed the Senate and has been unanimously reported to the House.

Mr. CLAYTON of Alabama. As there is no objection to your bill, let us pass your bill and get to ours.

Mr. STEELE. The gentleman says there is no objection. I think probably there is.

Mr. FITZGERALD of Massachusetts. This bill simply provides what is considered adequate compensation for the additional hours he was employed during the Spanish-American war.

Mr. STEELE. What pay did he get for the services he was performing? How did he know he was entitled to additional compensation? What was his regular pay?

Mr. FITZGERALD of Massachusetts. When he left the Department and was assigned to duty during the Spanish-American war he received a salary of \$1,000 a year, I believe. Here he was working eight hours a day. In the campaign he worked sixteen and eighteen hours a day, and although a civilian employee, he was mentioned in general orders issued for personal bravery.

Mr. STEELE. General Wheeler issued the order.

Mr. FITZGERALD of Massachusetts. He spoke in most eulogistic terms of him. The order was issued by the War Department.

Mr. STEELE. Did he commend himself in the same order?

Mr. FITZGERALD of Massachusetts. I do not know. The gentleman will have to inquire of General Wheeler himself.

Mr. STEELE. Now, Mr. Chairman, I feel that this is a very curious kind of legislation that a man who had \$1,000 a year should have \$700 extra pay when the soldier who was serving at \$15 a month, or \$180 a year, should not have any additional com-

pensation. I do not see that he has done anything particularly meritorious, have not seen the order, nor know what special bravery he performed.

Mr. FITZGERALD of Massachusetts. If the gentleman intends to take the time of the House, I will read all the facts to the House; but inasmuch as this claim is unanimously reported by the Committee on Claims, has unanimously passed the Senate, and inasmuch as there is a desire to get through the claims against which no particular objection is made, I do not wish to take the time of the House.

Mr. STEELE. How did it get to be a claim? From what source did the claim come?

Mr. FITZGERALD of Massachusetts. From working overtime. If he had stayed in the city of Washington in peace and security, he would have received \$1,000 a year for eight hours' work. He went into the campaign, however, exposed himself to the bullets of the enemy, endured all the hardships incident to the campaign in Cuba, and deserves the consideration given him in the bill before the House. He was employed eighteen hours a day frequently.

Mr. STEELE. Eighteen hours a day?

Mr. FITZGERALD of Massachusetts. He was employed eighteen hours a day frequently, and I was a witness of this fact at Montauk Point, where he was executive clerk to General Wheeler. I never knew a man who gave more faithful service to his country than Mr. Wilson, and if it were not for his untiring energy, activity, and accuracy the American Army would not have returned to this country in as good condition as it did.

Mr. STEELE. If the gentleman can establish the fact that he was exposed for eighteen hours a day to Spanish bullets I think he ought to have more—at Montauk Point.

Mr. FITZGERALD of Massachusetts. The gentleman from Indiana did not expose himself even at Montauk Point.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation, and the House bill will be reported back to the House with the recommendation that it do lie on the table.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JOY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a bill of the following title:

H. R. 11789. An act amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897.

EDWIN DE LEON.

The committee resumed its session.

Mr. GRAFF. I now call up the bill (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for \$8,000 for judicial services.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$8,000 be paid to the legal representatives of Edwin De Leon, deceased, late consul-general in Egypt, by the Secretary of the Treasury, out of any money not otherwise appropriated, being in full payment for judicial and extra consular duties performed by him during his term of office.

With the following committee amendments:

Strike from said bill all after the enacting clause, and insert in lieu thereof the following:

"That the Court of Claims be, and is hereby, given jurisdiction to hear, adjudicate, and determine the claim of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt, for judicial and extra consular duties claimed to have been performed by the said Edwin De Leon while consul in Egypt, from May 24, 1853, to March 20, 1861, under the provisions of an act of Congress entitled 'An act to carry into effect certain provisions in the treaty between the United States and China, giving certain judicial powers to ministers and consuls of the United States in this country,' approved August 11, 1848.

"That on the trial of said cause said court shall receive all evidence offered that shall be admissible as evidence under the law and rules and practices of said court; and on said hearing the court shall enter such judgment as shall be warranted under the law and facts as found by the court."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

OLIVIA M. CLIFFORD.

Mr. GRAFF. I now call up the bill (H. R. 6204) for the relief of Olivia M. Clifford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Olivia M. Clifford for compensation for the alleged use and occupation by the United States, through its Corps of Engineers, of two certain docks or piers located in the Erie Basin, at the city of Buffalo, in the State of New York, while engaged in building the new breakwater, from January 8, 1887, to July 8, 1891, be, and the same is hereby, referred to the Court of Claims to hear and determine the same to final

judgment, notwithstanding the bar of the statute of limitations, with the right of appeal as in other cases.

The bill was laid aside to be reported to the House with a favorable recommendation.

REFUND OF EXCESSIVE POSTAGE ON CERTAIN NEWSPAPERS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 11161) to refund excessive postage paid on certain newspapers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the following persons the following amounts, being the sums, respectively, found by the Court of Claims as the difference between the postage at third-class rates, which they were required to pay and did pay on newspapers published by them, respectively, during the years 1863 and 1864, and the postage at second-class rates with which such papers were legally chargeable, as follows: To the Modern Woodmen of America, publisher of the Modern Woodman, of Springfield, Ill., \$5,423.62; to David I. Lillard, publisher of The Anchor and Shield, of Paris, Ill., \$1,980.09; to Frank G. Simmons, publisher of The Nebraska Workman, of Seward, Nebr., \$1,000.91, all as found and set forth by the Court of Claims in its findings of fact in House Documents Nos. 590, 294, and 592, Fifty-sixth Congress, first session.

The bill was laid aside to be reported to the House with a favorable recommendation.

ARTHUR CONNELL.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 573) for the relief of Arthur Connell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Arthur Connell, now a resident of Lynchburg, Va., the sum of \$2,400, the said amount having been collected by the Treasury agents of the United States from property belonging to the said Arthur Connell in Memphis, Tenn., and by them turned over to the Treasury Department.

SEC. 2. That this act shall be in force from its passage.

Mr. CRUMPACKER. Mr. Chairman, the bill does not contain any explanation on its face, and it seems to me there ought to be one by the chairman of the committee.

Mr. GRAFF. I yield, Mr. Chairman, to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, I have an amendment reducing the amount from \$2,400 to \$2,050. This is for rent received, and as the report is somewhat lengthy I will say that it is a case where Arthur Connell, who owns lease of land in Memphis, built certain buildings on that land. It was rented by the Government in 1861 and 1862, and the rent received was turned into the Treasury Department. Mr. Connell made application for it. He never entered the Confederate army and his loyalty was never questioned. The bill passed the Senate and has been before the House several times, but by reason of delay in matters it could not be reached. He has used all due diligence trying to get the matter adjusted, and I have here the report of Secretary Carlisle, in which he says:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 13, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, in which were inclosed a bill for the relief of Arthur Connell (S. 2303) and a memorandum; and you, in effect, request certain information relative thereto.

In reply, you are informed that rents for property in Memphis, Tenn., were accounted in settlements with the Treasury Department as follows, to wit:

Lease No. 176.—J. Schwoob, tenant, and D. Connell, reputed owner;	
from December, 1862, to April, 1863, inclusive	\$300
Lease No. 779.—L. D. Gleason, tenant, and D. Connell, reputed owner;	
from May, 1863, to September, 1864, inclusive	950
Lease No. 14.—To L. D. Gleason, a brick building, 3 stories, No. 53 Jefferson street, from December, 1864, to July, 1865, inclusive	800

Total.....2,050

Also, that the officers having charge of the rental office during the months of October and November of the years 1862 and 1864 made returns in bulk, giving no description of separate property nor names of reputed owner or tenants, so that the rent from any particular property can not be ascertained. The memorandum inclosed in your letter is herewith returned.

Respectfully, yours,

J. G. CARLISLE, Secretary.

Hon. JOHN W. DANIEL,
United States Senate, Washington, D. C.

Mr. CRUMPACKER. If the gentleman will permit me, the bill proposes to refund to the owner of the property the amount the Government actually received for its rental?

Mr. OTEY. That is all.

Mr. CRUMPACKER. That is all the explanation I want.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

In line 6, strike out the words "four hundred" and insert "and fifty."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

UNIVERSITY OF KANSAS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 76) for the relief of the University of Kansas.

The Clerk read the bill, as follows:

Whereas on or about the 20th day of May, 1856, Deputy United States Marshal and Sheriff Jones, with a posse, acting directly on the findings of the United States grand jury, called by Judge Lecompte of the United States court, sitting at Leecompton, entered the town of Lawrence and destroyed the Free State Hotel, owned by the New England Emigrant Aid Company; and

Whereas some time thereafter said company presented a claim for damages in the amount of \$20,000 to the United States Government; and

Whereas the said company, before its dissolution, transferred said claim to the University of Kansas: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said University of Kansas, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, in full settlement of said claim.

Mr. GRAFF. I yield to the gentleman from Kansas [Mr. BAILEY].

Mr. BAILEY of Kansas. Mr. Chairman, this bill is to reimburse the University of Kansas as assignee of a claim for damages against the United States sustained by the Emigrant Aid Company. The claim is based on the fact that their property was destroyed during the ante bellum days without process of law by an officer of the United States. He came and destroyed a building that belonged to this Emigrant Aid Society in the city of Lawrence, Kans. They have assigned that to our university of Kansas. The bill has passed the Senate and the committees of both Senate and House, but this is the first time it has been reached on the Calendar.

The bill was laid aside to be reported to the House with a favorable recommendation.

MERIWETHER SNUFF AND TOBACCO COMPANY.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 2659) for the relief of the Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.

The bill was read, as follows:

Be it enacted, etc., That in order to reimburse Meriwether Snuff and Tobacco Company, manufacturers of snuff and plug and smoking tobacco, at Clarksville, Tenn., for the sum of \$3,093.48, expended by said corporation for revenue stamps, and which were destroyed while affixed to 60,000 6-ounce bottles of snuff; 9,552 4-ounce bottles of snuff; 13,896 4-ounce cans of snuff; 123 packages, each containing 25 pounds, of manufactured plug tobacco; 189 packages, each containing 15 pounds, of manufactured plug tobacco; 100 packages, each containing 1 pound, of manufactured smoking tobacco, while in store in the Grange Warehouse, a storage warehouse in Clarksville, Tenn., said stamps having been purchased by said Meriwether Snuff and Tobacco Company between April 13, 1893, and June 14, 1893, in lots in which they purchased stamps: For snuff from April 13, 1893, to April 30, 1893, amounting to \$1,895; for manufactured tobacco between same dates, \$1,245 worth; for snuff between May 1, 1893, and May 31, 1893, \$3,120 worth, and for manufactured tobacco between said dates, \$1,044 worth; and between June 1, 1893, and June 13, 1893, for snuff, \$967.50 worth, and for manufactured tobacco between said dates, \$270 worth; and stamps of 33 cents denomination being upon each of said 60,000 6-ounce bottles of snuff, and a stamp of 24 cents on each of the 9,552 4-ounce bottles of snuff, and a stamp of 24 cents on each of the 13,896 4-ounce cans, and a stamp of \$2.25 on each of the 123 packages, each package containing 25 pounds of manufactured plug tobacco; and stamps of the value of \$1.35 on each of the 189 packages, each containing 15 pounds of manufactured plug tobacco; and a stamp of 9 cents on each of the 100 1-pound packages of manufactured smoking tobacco; each of said bottles, cans, and packages containing the quantity indicated when destroyed by fire on the morning of the 5th day of October, 1893; said stamps having been affixed to said bottles, cans, and packages before they were stored in said Grange Warehouse; that the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the said Meriwether Snuff and Tobacco Company, out of the money in the Treasury not otherwise appropriated, the sum of \$3,093.48, as restitution and reimbursement for the stamps destroyed, or issue to said Meriwether Snuff and Tobacco Company stamps of like denomination and value.

Mr. CANNON. What is this bill for?

Mr. GRAFF. This is to recompense the tobacco and snuff company for taxes paid upon snuff and tobacco which were destroyed in the warehouse of the company before the goods had either been sold or transferred. The proof before the committee was very clear as to the destruction of these goods, and they had laid there in the warehouse and had not been sent away.

Mr. CANNON. Suppose the ownership had been changed the day before?

Mr. GRAFF. But it had not.

Mr. CANNON. Suppose it had, would you have reimbursed the vendee?

Mr. GRAFF. No, I suppose not.

Mr. CANNON. Why not? Why is this any stronger case than the other?

Mr. GRAFF. I think there is a difference between the purchaser who buys an article on the basis of the tax which is included in the selling price of the article and the owner of the goods before the tax has entered into the value.

Mr. CANNON. I do not see the distinction. I will yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Chairman, this is to reimburse the Meriwether Snuff and Tobacco Company for the destruction, by burning, of stamps purchased from the Government and put upon the goods which they had manufactured under the Dingley and war tariff laws. The goods and stamps on them were burned without the claimants having anything to do with it or knowing anything

about it. No doubt about that point. There is no dispute in the world about the merits of this case.

This property at the time it was destroyed was the property of the claimants, and they have lost over \$2,000 in the value of the property; that is to say, they were insured up to within that amount of its value. The stamps were not insured and could not be insured, because as soon as a stamp is placed upon a package it must be canceled, after which it is of no value, and could not be insured, as the evidence shows. These people, I repeat, are out not only the value of the property less the insurance, but they have also lost more than \$3,000 which they paid to the Government of the United States for stamps. That is to say, the Government has that amount of money in its coffers, while these claimants have nothing to show for it except ashes.

Mr. CANNON. I do not see why the Government should be an insurer. These gentlemen had the power to insure for the value of the property, including the stamps. The interest represented by the stamps is insurable. Ten thousand packages of snuff with the tax paid upon them are more valuable by the amount of the tax which has been paid than 10,000 packages of snuff on which no tax has been paid. So that these claimants did have an insurable interest; and I do not see why they should be placed upon any different platform from that on which a jobber would have stood if he had bought those goods an hour before they were burned. I do not see what there is in equity or law that should make the Government an insurer for the benefit of these people.

Mr. SOUTHARD. I will ask the gentleman from Illinois whether the situation as presented here is different from what it would be if those stamps had been burned before they had been affixed to the packages?

Mr. CANNON. Oh, yes.

Mr. SOUTHARD. What is the difference?

Mr. CANNON. It is this: In the ordinary course of trade these people had manufactured snuff. They placed stamps upon the packages, and those stamps were canceled. By the affixing of the stamps, though afterwards canceled, there was just that much added to the value of the product, and that value was an insurable value.

Mr. GRAFF. Right there will the gentleman allow me to interrupt him?

Mr. CANNON. Certainly.

Mr. GRAFF. In reply to an inquiry which was put to the parties who represented this claim before our committee, the statement was made that the owners, when the merchandise was in the original warehouse, were unable to obtain insurance covering the value of the stamps; that they could only obtain insurance on the value of the property without the stamps affixed.

Mr. HOPKINS. That may have been owing to the condition of the warehouse.

Mr. GAINES. The warehouse was supposed to be "fireproof," and the proof shows this.

Mr. CANNON. As my colleague [Mr. HOPKINS] suggests, that may have been owing to the condition of the warehouse. But I do not care how many attorneys for these claimants may take the position that these parties had not an insurable interest to the extent of the value of the stamps, it seems to me that all of us in the exercise of ordinary common sense know that they did have an insurable interest. I do not know whether these parties were guilty of laches or not. They may not have desired to have the property insured to its full value, including the stamps. Why should they now come here and ask the Government to write an insurance policy for them?

Mr. GAINES. Will the gentleman yield a moment?

Mr. CANNON. Certainly.

Mr. GAINES. Precedents for this kind of legislation will be found in bills which have passed this Congress and previous Congresses. These stamps never did these claimants a particle of good. The Government has \$3,000 of their money, and they have not a thing to show for it; and they are in this position without any fault or negligence of their own. I understand the fact to be that the value represented by canceled stamps is uninsurable. The proof shows, under oath, that the stamps canceled, as they were, could not represent a value to insurance companies, there being no salvage in such case. They did represent value to the claimant to the amount of \$3,000 and more.

Mr. CANNON. I controvert that.

Mr. GAINES. The man who is going to consume the tobacco does not pay for the stamps; it is the man who manufactures it who has to pay for them.

Mr. CANNON. We have been trying for some time to convince you Democrats that the manufacturer pays the tax; but you have always contended that the consumer pays it. We have just changed our positions.

Mr. GAINES. In this case the facts are as I have stated, that these stamps were canceled when they were put on this tobacco and snuff, and by reason of the tobacco being burned the claimants

are out \$3,000 and more, the value of the stamps, in addition to \$2,000 not covered by the insurance on the tobacco.

Mr. BROWNLOW. Allow me to say that this is a case where the consumer did not get the benefit of the tax.

Mr. GAINES. No one received any benefit but the Government, and the property was destroyed before it got to the consumer. The manufacturers lose \$5,000 without their own fault.

Mr. CANNON. It may not be their fault but their misfortune. Yet they must assume the responsibility. I think anybody, upon the bare statement of the case, must acknowledge that the manufacturer of that tobacco, when he had paid that tax, had just that much more valuable property than he had before the payment of the tax. That is so plain that anybody can see it. If the manufacturer, ten minutes before the property was destroyed, had sold it to the gentleman from Michigan, would my friend claim that the gentleman from Michigan would be entitled to say that the Government was his insurer? There is just as much equity in the one case as in the other. It is not sound to say that this party should receive this relief because he was unfortunate. We had better abolish all insurance companies in this country and let the Government be the general underwriter, if we are to proceed along this line of legislation. I do not believe this bill ought to pass.

Mr. BROWNLOW. If, in the case supposed by the gentleman from Illinois, the goods had passed into the hands of the gentleman from Michigan, they would have been paid for. But these goods, together with the stamps, were destroyed in the hands of the manufacturer.

Mr. CANNON. But the manufacturer paid for the tobacco and the stamps, and they were of the same value to him that they would have been to the gentleman from Michigan. The payments are equal in each case; the value is equal in each case; the misfortune is equal in each case. The bald proposition here is that because this man was subjected to a misfortune, with or without his own negligence, the Government should become his underwriter.

It is easy to vote away the people's money; but it ought to be done in a way to work evenly. I know of no reason why all the people of the United States should be insurers for this manufacturer.

Mr. SOUTHARD. I think there is an element of equity in this case which the gentleman from Illinois has not stated.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was put.

The CHAIRMAN. The ayes appear to have it.

Mr. CANNON. I will ask for a division.

The committee divided; and there were—ayes 56, noes 5.

Mr. CANNON. We will see if there are a hundred members here.

The CHAIRMAN. The gentleman from Illinois demands a count to see if a quorum is present.

The CHAIRMAN counted the committee and announced 110 members, a quorum, present.

Accordingly the motion was agreed to.

AUSTIN A. YATES.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 6591) for the relief of Austin A. Yates.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the accounts of Austin A. Yates, late captain, Fourteenth Veteran Reserve Corps, and to give him credit for the sum of \$13,537.50, charged to him on the books of the Second Auditor's Office, said sum having been stolen from the safe of his office at Syracuse, N. Y., on the night of March 25, 1865, while he was acting provost-marshal of the twenty-third district of New York: *Provided,* That it shall be made to appear to the satisfaction of said accounting officers that Captain Yates was not responsible for the loss of said moneys.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

RETURN OF INTERNAL-REVENUE ASSESSMENTS IN UTAH.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 95) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to the persons, firms, and corporations hereinafter named, the amounts respectively placed opposite their names, the said amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in 1878 and 1879 as a tax of 10 per cent on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: American Fork Cooperative Mercantile Institution, \$324; Alpine Cooperative Mercantile Institution, \$27.25; Big Cottonwood Cooperative Mercantile Institution, \$123; Beers & Driggs, \$152.50; Beers & Lafevre, \$25; James Chipman, \$217.80; Canaan Cooperative Stock Company, \$357.18; Alfred Dunkley, \$79.20; Ephraim United Order Mercantile Institution, \$180; Fillmore Cooperative Institution, \$96.86; Fur Traders' Union, \$15; Fountain Green Cooperative Mercantile Institution, \$90; Fairview Cooperative Mercantile Institution, \$164; Freshwater & Son, \$54;

E. W. Fox & Co., \$72; Goshen Cooperative Mercantile Institution, \$100; Grantsville Cooperative Mercantile Institution, \$101.25; Goodwin Brothers, \$180; Glenwood Cooperative Mercantile Institution, \$45; Gunnison Cooperative Mercantile Institution, \$90; Heber City Cooperative Mercantile Institution, \$63; Hancock & Son, \$135; Moroni Cooperative Mercantile Institution, \$144; Mount Pleasant Cooperative Mercantile Institution, \$180; Midway Cooperative Mercantile Institution, \$3.75; Mill Creek Cooperative Mercantile Institution, \$36; Manti Cooperative Mercantile Institution, \$166; Monroe Cooperative Mercantile Institution, \$18; Newton Cooperative Mercantile Institution, \$3.60; Nephi Cooperative Mercantile Institution, \$180; N. P. Neilson, \$10.50; S. J. Neilson, \$9.45; People's Cooperative Mercantile Institution, \$324; Pleasant Grove Cooperative Mercantile Institution, \$153; Provo Cooperative Mercantile Institution, \$180; Provo West Branch Cooperative Mercantile Institution, \$90; Payson Mercantile Association, \$165; Payson Branch Mercantile Association, \$122.25; Quinn, Larsen & Co., \$18; Richmond Cooperative Mercantile Institution, \$90; St. George Lady's Cooperative Mercantile Institution, \$27.50; St. George Cooperative Mercantile Institution, \$270; South Cottonwood Cooperative Mercantile Institution, \$36; Smithfield Cooperative Mercantile Institution, \$25; Spanish Fork Cooperative Mercantile Institution, \$60; Salem Cooperative Mercantile Institution, \$4.50; Sanpete County Cooperative Mercantile Institution, \$144; United Order Building and Manufacturing Company, \$505; Windsor Castle Stock Growing Company, \$383.96; Wellsville Cooperative Mercantile Institution, \$213.50; Willard Cooperative Mercantile Institution, \$40; George A. Waterman, \$38.30; Zion's Cooperative Rio Virgin Manufacturing Company, \$325.

Mr. CRUMPACKER. Mr. Chairman, I should like a brief statement on the basis of liability in this case.

Mr. GRAFF. I yield to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Chairman, a number of years ago an overzealous collector of internal revenue in the district of Utah insisted that mercantile establishments that were issuing duebills which provided for the payment to bearer of "merchandise at retail" were issuing "notes" within contemplation of the revenue and banking laws of the United States. Accordingly he went to these institutions and demanded that the various owners and superintendents pay him the 10 per cent tax, and he collected from them over \$26,000 and paid it into the Treasury of the United States. A test case was brought, which resulted, of course, in a decision that his action was wrong and illegal. The Government of the United States paid back to the large holders the amounts which had been taken from them, but the amounts collected from the smaller companies were never refunded, and this bill is to refund to them the respective amounts so illegally collected. I have the decision of the Supreme Court before me, in which it is held that the duebills were not subject to taxation.

Mr. PAYNE. Do you get your figures from the books of the collector?

Mr. KING. The amounts appropriated by this bill are from the books of the Commissioner of Internal Revenue, as shown by his letter, a copy of which is printed in the report.

Mr. PAYNE. The gentleman is satisfied that the figures are correct?

Mr. KING. Yes; the Commissioner's communication shows that these amounts referred to in the bill have been paid into the Treasury of the United States. The Government has had the use of this money for years, and this measure carries no interest.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEVI STOLTZ.

Mr. GRAFF. I call up the bill (S. 879) for the relief of Levi Stoltz.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed, any statute of limitation to the contrary notwithstanding, to consider and adjust the claim of Levi Stoltz, a citizen of Greenville, Darke County, in the State of Ohio, in accordance with the provisions of section 6, act of March 1, 1879, as amended by subsequent acts, for excess of taxes and assessments charged by the United States against him prior to January 1, 1874, on the Greenville distillery, owned and operated by him, said excess of assessments caused by accidental bursting of the stills, necessary changes in the still tubs by errors in surveys, and to refund the amount of taxes that may be found to have been thus overcharged or allowable on account of accident: *Provided,* That the whole sum allowed shall not exceed the sum of \$1,153.56.

Mr. PAYNE. Mr. Chairman, I should like to have an explanation of this bill.

Mr. GRAFF. Mr. Chairman, this bill has been favorably reported on in the Fifty-fourth and Fifty-fifth Congresses. The bill itself states the purposes of the legislation and also the facts in the case. Levi Stoltz was a citizen of Greenville, Darke County, in the State of Ohio. He owned a distillery at Greenville, and this bill is for the purpose of adjusting differences between him and the Government on erroneous charges made. The bill was introduced in the Senate by Mr. HANNA.

Mr. PAYNE. This simply takes away the defense of the statute of limitations and allows a settlement according to the justice of the claim.

Mr. GRAFF. Yes.

Mr. PAYNE. All right.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

BROOKLYN FERRY COMPANY, NEW YORK.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York.

The bill was read, as follows:

Be it enacted, etc., That the claim against the United States of the Brooklyn Ferry Company, of New York, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the borough of Brooklyn, city of New York, owner of the ferryboat *New York*, for damages caused by collision between the said ferryboat and the United States steamer *Dolphin*, in the East River, near Brooklyn, on the 1st day of August, 1899, may be sued for by the said ferry company in the United States district court for the eastern district of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of such damages, if any shall be found to be due, against the United States in favor of the said ferry company, upon the same principles and measure of liability as in like cases in admiralty between private parties, and with the same rights of appeal.

SEC. 2. That such notice of the suit shall be given to the Attorney-General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney-General to cause the United States attorney in such district to appear for and defend the United States.

SEC. 3. That should damages be found to be due the said ferry company, the amount of a final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HEIRS OF JOSEPH T. STOUT.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alfred Ford, executor of the last will and testament of Joseph T. Stout, late of Cecil County, in the State of Maryland, the sum of \$792.50, in full payment for the following-described unregistered United States bond, with unpaid coupons thereon from December, 1878, to September 1, 1891, inclusive, fifty-two coupons at \$5.62 each, which said bond and coupons were stolen from the said Joseph T. Stout on the 13th day of November, in the year 1878, and is supposed to have been destroyed, to wit: Coupon bond of the United States No. 12843, for \$500, issued under the act of July 14, 1870, 4 per cent consols of 1891: *Provided,* That before the redemption of said bond and coupons the said Alfred Ford, executor as aforesaid, shall execute, or cause to be executed and deposited with the Secretary of the Treasury, a bond of indemnity with good and sufficient security, subject to the approval of said Secretary, to secure the United States against loss or damage in consequence of the redemption of said bond and coupons.

The following amendment, recommended by the Committee on Claims, was read, and agreed to:

In line 7, page 1, strike out "fifty" and insert "fifty-six."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

J. P. OUZTS.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 8946) to pay to J. P. Ouzts \$209.50 for services as deputy collector internal revenue for district of South Carolina.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$209.50 is hereby appropriated, out of any unexpended balance in the Treasury, to pay Joseph P. Ouzts for services rendered during the years 1894 and 1895 as deputy collector of internal revenue in the district of South Carolina.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALICE WALSH.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 726) for the relief of Alice Walsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice Walsh the sum of \$240, which was due the deceased Patrick F. Duggan for services rendered in the Freedman's Bureau during the months of August, September, and October, 1867, upon satisfactory proof that she is his only surviving heir and legal representative: *Provided, however,* That the sum of \$200 be not paid until the said Alice Walsh shall file with the Secretary a good and sufficient bond in double said amount to protect the United States against any demand that may be made by any lawful holder of the certificate issued to the said Patrick F. Duggan for his said services rendered in the months of August and September aforesaid.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIS BENEFIELD.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 4980) for the relief of Willis Benefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willis Benefield, of Sullivan, Ind., the sum of \$1,300, with interest thereon from the 22d day of February, 1855, at 6 per cent per annum, for the improvements made by said Willis Benefield upon the northwest quarter of section 21, township 9 north, range 9 west, in Sullivan County, Ind., under a patent issued June 10, 1849, to said Benefield in the name of Willis Benefield, under land warrant 5202, act of 1847, held by him as a soldier in the Second Regiment of Indiana Volunteers, for service in the Mexican war, which said location, patent, and record were canceled by the United States on the 2d day of March, 1855, said northwest quarter of section 21, township and range aforesaid, having been selected under the act giving certain lands for the construction of the Wabash and Erie Canal prior to said date.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ADMINISTRATORS OF WILLIAM B. MOSES, DECEASED, ET AL.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 6146) for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers.

The bill was read, as follows:

Be it enacted, etc., That William H. Moses, Harry C. Moses, and Arthur C. Moses, administrators of William B. Moses, deceased, and Lebbeus H. Rogers, be, and are hereby, released from any and all liability to the United States by reason of the execution by said Rogers and William B. Moses of an instrument purporting to be a bond in the penalty of \$12,000, bearing date the day of March, 1873, and accepted by the Secretary of War on the 2d day of April, 1873, as sureties for Henry W. Howgate as property and disbursing officer of the Signal Corps of the United States Army; and that the said administrators of the said William B. Moses be, and they are hereby, released from all liability and lien of the judgment entered against the said administrators in behalf of the United States on said bond on the 1st day of April, 1883, in the supreme court of the District of Columbia for \$12,000, with interest thereon from the 29th day of September, 1884, and costs; and that the said Lebbeus H. Rogers be, and is hereby, released from all liability and lien of the judgment entered against him in behalf of the United States on said bond on the 11th day of June, 1886, in the district court of the United States for the southern district of New York, for \$13,476, with interest thereon from the day of April, 1887, and costs; and the Secretary of the Treasury is instructed to be satisfied of record said judgments: *Provided, however,* That nothing herein contained shall be construed as affecting in any manner the liability of said Howgate to the United States on said bond or otherwise, civilly or criminally.

The following amendment, recommended by the Committee on Claims, was read:

In lines 7 and 8 strike out the words "an instrument purporting to be."

Mr. CRUMPACKER. Mr. Chairman, I think there ought to be an explanation of this bill and some statement of the basis of right to any relief on the bondsmen from liability.

Mr. GRAFF. The facts in the case, Mr. Chairman, as shown in the report, are that William B. Moses, now deceased, and Lebbeus H. Rogers were sureties for Henry W. Howgate upon a bond to the United States in the penalty of \$12,000, to secure the faithful performance by said Howgate of his duties as property and disbursing officer of the Signal Corps of the United States Army.

On December 7, 1880, Howgate tendered his resignation to the Adjutant-General, which was accepted by the President, to take effect December 18, 1880. The Treasury Department, under dates of October 1 and December 10 and 23, 1880, January 6 and April 26, 1881, certified that the accounts of Howgate had been examined and adjusted and that the same were found to balance.

There was \$7,000 which Howgate had placed in the hands of his sureties as collateral security for them when they went upon his official bond. Howgate took a note from the Acting Comptroller, James S. Delano, which is as follows:

WASHINGTON, D. C., April 23, 1881.

SIR: In response to your inquiry, you are informed that the books of this office show that your accounts as disbursing officer of the United States Signal Corps have been settled and balanced.

Very respectfully,

JAS. S. DELANO,
Acting Comptroller.

Capt. H. W. HOWGATE,
Late Disbursing Officer, United States Signal Corps.

Howgate took that note to the sureties and obtained the \$7,000 which he had deposited with those sureties as security upon the bond. He took that bond and went away with it, and they were thus deprived of the power to defend themselves with this \$7,000 by the representative of the Government itself. In addition to this, there was a suit commenced against Mr. Howgate, not against his sureties, and the circumstances showed the committee—we had a number of lengthy hearings upon the subject—that those sureties had the right to suppose from the acts of the Assistant Attorney-General who conducted the case upon the part of the Government that they proposed to sue Howgate on account and recover, and not rely on the sureties. On the faith in the action of the Attorney-General, these sureties, then knowing of a large amount of property which was to Howgate's credit and hidden under cover of a safety deposit company in the city of Washington, disclosed the secret of this property belonging to Howgate, a very large amount, and the Government obtained possession of this property.

In addition to that, they obtained knowledge of some real estate which was held in trust for Howgate in the name of other parties in the city of Washington. This property was taken possession of under execution of the United States Government to satisfy a larger amount, which was due from Howgate, and which this bond was utterly inadequate to cover. They obtained possession of the property. The property had largely exceeded the amount of \$12,000 for which the bond was given. Under those circumstances, we thought that it clearly showed that in equity, these parties having already put the Government in possession of an amount much larger than the amount of the bond upon which they were liable to the Government; and it also put these sureties in a position where they could confidently rely on their safety and gave up this \$7,000 which they held as security; therefore we thought that in equity it was a clear case that the Government could not afford to hold these parties under that bond. I will say the law

department of the Government, while this judgment now exists and the execution has been in the hands of the United States marshals here, that action upon the execution has been withheld to await the action of Congress in the matter.

Mr. CRUMPACKER. The gentleman's explanation is entirely satisfactory to me.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM T. SCOTT AND OTHERS.

Mr. GRAFF. I now call up the bill S. 3554.

The bill was read, as follows:

A bill (S. 3554) for the relief of W. T. Scott and others.

Be it enacted, etc., That the Treasurer of the United States be, and he is hereby, authorized and directed to refund to W. T. Scott and William Umdenstock, of Harrison County, Tex., or their heirs or legal representatives, the sum of \$2,750 each, that being the amount erroneously paid by them severally into the Treasury of the United States on the 17th day of September, 1881, in compromise of a judgment recovered against them as sureties on the official bond of Davis B. Bonfoey, late collector of internal revenue for the fourth district of Texas, in the circuit court of the United States for the western district of Texas on the 11th day of December, 1873, in a cause, No. 1067, wherein the United States were plaintiffs and W. T. Scott and others defendants; and the sum of \$5,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available for said purpose.

The bill was ordered to be laid aside with a favorable recommendation.

ISAIAH LIGHTNER, W. H. WINTERBOTTOM, AND GUSTAVE MOLLIN.

Mr. GRAFF. I now call up House bill 12860, for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin.

The bill was read, as follows:

Be it enacted, etc., That Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin are hereby released and discharged of all indebtedness and liability to the United States of America as bondsmen of John J. Truman, formerly postmaster at Genoa, Nance County, Nebr.; and that for the purpose of giving full force and effect to this act and of fully and completely carrying it into effect the Secretary of the Treasury is hereby empowered and directed to release and nullify of record, as against said Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin, as fully satisfied, a certain judgment heretofore granted in the United States district court in and for Nebraska in favor of the United States of America and against John J. Truman, Isaiah Lightner, W. H. Winterbottom, Burton A. Demoney, and Gustave Mollin.

The amendments recommended by the committee were read, as follows:

Line 3, after the word "that," insert the words "upon the payment into the Treasury of the United States of America the sum of \$963.56 by."

Line 4, after the word "Mollin," insert the words "or any of them, or by any person for them, that said Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin."

Line 10, after the word "directed," insert the words "upon the payment of said sum aforesaid."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SURVIVING HEIRS OF EDWARD N. OLDMIXON.

Mr. GRAFF. I call up the House bill 4853 for the relief of the heirs at law of Edward N. Oldmixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William J. Oldmixon, Edward N. Oldmixon, Mrs. Minnie Reed, and Mrs. Sadie Bazzell, the grandchildren and sole surviving heirs of Edward N. Oldmixon, deceased, late of Escambia County, Fla., the sum of \$2,100, for the use and occupation of the land of the said Edward N. Oldmixon, and the buildings located thereon, situated in the village of St. Carlos de Barrancas, by the United States Army about the 23d day of June, 1872, until the present time, for the destruction of buildings thereon, and for the price and value of said land now held by the Government as aforesaid; the same to be in full compensation for said rental and destruction of buildings.

Mr. PAYNE. Mr. Chairman, I reserve the point of order that this bill should come from the Committee on War Claims, and that the Committee on Claims has no jurisdiction.

Mr. GRAFF. I yield to the gentleman from Florida.

Mr. PAYNE. Of course nothing was to be reported to-day except bills from the Committee on Claims, and this is from the Committee on War Claims.

Mr. SPARKMAN. Mr. Chairman, that is a mistake.

Mr. GRAFF. I inadvertently, it seems, called up this bill. It is not reported by my committee.

Mr. PAYNE. Then I make the point of order that this bill is not in order.

Mr. GRAFF. I desire to make a change in that statement. This bill is reported by our committee. [Laughter.]

Mr. PAYNE. Then I reserve the original point.

The CHAIRMAN. The point of order is sustained.

Mr. GRAFF. I understand the Chair to sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPARKMAN. What was the point?

Mr. PAYNE. That this Committee on Claims did not have jurisdiction of the bill; that it should properly have gone to the Committee on War Claims.

The CHAIRMAN. It was reported to the Chair that it was referred to the Committee on War Claims.

Mr. PAYNE. The gentleman changes that statement and says that it comes from the Committee on Claims.

The CHAIRMAN. The bill recites that it was referred to the Committee on War Claims, considered and reported with amendments, and referred to the Committee of the Whole.

Mr. SPARKMAN. That was a mistake.

The CHAIRMAN. The report, however, is from the Committee on Claims.

Mr. PAYNE. Well, I make the point of order against it; as many points as lie.

Mr. SPARKMAN. I would like to be heard just one moment on that.

The CHAIRMAN. The Chair will hear the gentleman from Florida as to the origin and character of the bill. The Chair finds on the face of the bill it was referred to the Committee on War Claims.

Mr. SPARKMAN. That was a mistake.

The CHAIRMAN. It was reported by the Committee on Claims.

Mr. SPARKMAN. There was a reference to the Committee on Claims, and very properly so, I think. It is a claim that arises out of the fact that the War Department took possession of certain land at one time in the village of Barrancas, St. Carlos de Barrancas, near Pensacola. This land was claimed by Ed. N. Oldmixon, the ancestor of the claimants. Along about 1872, when Oldmixon had been on the land for many years, the War Department took possession of it—of the house and other property on the land—and held possession for many years. About 1880 the Government tore down the houses that were on the land and included it within the present limits of Fort Barrancas. Now, inasmuch as this claim arose after the civil war, the property having been taken possession of in 1872 and the damages sustained subsequent to that time, I take it that the point of order is not well taken.

The CHAIRMAN. The Chair is ready to rule. The ruling of the Chair was based upon the fact that the bill came from the War Claims Committee. That seems to be a misprint. And the ruling being based upon a mistake, the ruling of the Chair was a mistake. This bill shows that it is a claim that arose subsequent to 1870, and although the Army had something to do with the origin of the claim, yet there was no war and it did not grow out of war. The Chair overrules the point of order.

Mr. PAYNE. How long did the Army occupy it?

Mr. SPARKMAN. It has occupied it ever since it took possession in 1872.

Mr. PAYNE. And is occupying it now?

Mr. SPARKMAN. Yes.

Mr. PAYNE. Of course the United States claimed to own it when they occupied it?

Mr. SPARKMAN. No, not when they first took possession; but afterwards it was concluded by the War Department that the United States was entitled to the land. I want to say that I had the chain of title in my hand, but sent it to the Committee on Claims, and I have it not now. It did not show that Edward N. Oldmixon was the legal owner—he may or may not have been, but he was in possession. The amount allowed by the committee is not for the title to the land, but for its possession and the improvements that the Government took and kept for many years, for their destruction, and for other property taken and used by the Government. The Secretary of War says that \$1,000, he thinks, will be sufficient for all this, and the committee amendment is based on this report of the Secretary.

Mr. PAYNE. Why not wait until the question is determined? If the United States owns the land they are not liable for taking possession of the land or for the buildings. Why not wait till the question is decided whether the Government owns the land or not?

Mr. SPARKMAN. If the gentleman will allow me, I will read from the report. This was a report made in the Fifty-fifth Congress and is now adopted in its entirety by this committee. It says:

There seems to be doubt as to his title to the land, and the report of the Committee on Claims, Fifty-fifth Congress, third session, sets forth the following:

"The claimants are the grandchildren and only surviving heirs of Edward N. Oldmixon, deceased, who died seized and possessed in fee simple of a lot of land in the village of St. Carlos de Barrancas, Escambia County, Fla., known as 'No. 3,' containing 80 feet front by 170 feet deep. On this lot, and also owned by the said Edward N. Oldmixon, there was, during the fall of 1872, a good two story dwelling house of six rooms, inclosed by a substantial fence.

"By the authority of either Lieut. I. McNutt or Lieut. J. L. Tiernan, of the United States Army, said premises were, in the fall of 1872, taken possession of and occupied by Alfred Paxson and family, a sergeant of the United States Army. Paxson lived in said house and in possession of said premises until his death, which occurred in November, 1873, when, by order of Maj. John H. Brennan, of the United States Army, one Thomas Carroll, ordnance ser-

geant of said Army, moved into said building and resided therein, holding possession of said premises continuously until August, 1880, when the house and fence were, by the order of the commanding officer at Fort Barrancas, acting under instructions from the Lieutenant-General Commanding the Army of the United States, torn down and destroyed, and said real estate taken into the grounds and inclosed within the post at Fort Barrancas, and that the same is now in the possession and under the control of the United States authorities.

"This land has been under the absolute control of the Government since 1872, the rightful owners, said claimants, not being permitted by the Government authorities to go into possession of said land or to exercise any control over same since it was taken possession of by the Government in the fall of 1872, as aforesaid; that the Government never paid the said Edward N. Oldmixon, nor has it ever paid his heirs, the claimants, anything for the rental of said land or premises or the destruction of the improvements thereon.

"But your committee are not satisfied that it is the duty of Congress to compensate for the loss of land under such circumstances, as it would seem that the claimant should have some remedy in the courts, but are of the opinion that the claimant should be compensated for the rental of the property and destruction of the houses; that a fair rental for said house from 1872 till 1880 is \$120 per annum; that a fair rental value of the vacant block from 1880 to the introduction of said bill would be \$20 per annum, and that a fair valuation of the house destroyed is \$250, making \$2,100, which your committee are of the opinion should be paid by the Government; and they therefore recommend the passage of said bill, with an amendment striking out, in line 8, the words 'three thousand and ninety' and inserting in lieu thereof the words 'two thousand one hundred;' by inserting the word 'and' after the word 'rental,' in line 16; and by striking out all after the word 'buildings,' in line 16."

The reports of the Judge-Advocate-General seem to throw doubt on the title of the land being in Oldmixon. There seems to be no doubt of the facts, and as far as he states them they concur with the facts stated above.

The committee of the Fifty-fifth Congress had papers bearing on the title to the property that was satisfactory, but these seem to have been lost.

It seems that time and again this whole matter has been through the War Department, and indorsements without number throw no light on the subject. But the Quartermaster-General on April 30, 1900, in reply to a letter written by Hon. H. S. BOUTELL, addressed to the Secretary of War, reported that he deemed \$1,000 a fair settlement.

Mr. PAYNE. Mr. Chairman, the report shows that here is land which the United States claim to own and took possession of in 1872 and has occupied it ever since. Here is a claim from parties claiming to own the fee. They do not ask for payment of the land, but for the improvements that were on the land and which were removed by the United States. Of course if we pass this bill we acknowledge to these people that the United States have no title to this land and our claim to it is gone. That opens the way for another claim or a lawsuit or something else of that kind. It seems to me that if we pass this bill the amount ought to be paid only on the United States receiving a deed in fee from these people to the title of this land. If we pay for it, we ought to have the whole thing.

Mr. SPARKMAN. I am willing to accept an amendment that these parties will quitclaim to the United States Government.

Mr. PAYNE. I am willing to accept an amendment of that kind, provided, always, that no part of this money shall be paid to these claimants until they have executed in due form a quitclaim deed quitclaiming this property to the United States.

The CHAIRMAN. Is this an amendment proposed by the gentleman from New York or the gentleman from Florida?

Mr. SPARKMAN. Proposed by the gentleman from New York, and I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That no part of the sum hereby appropriated shall be paid until the beneficiaries herein named shall execute to the United States a quitclaim deed of said real estate.

The amendment was agreed to.

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

CONTINENTAL FIRE INSURANCE COMPANY.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 227) for the relief of the Continental Fire Insurance Company and others. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, directed to cause the Commissioner of Internal Revenue to reopen and re-examine the refunding claims of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, the Commercial Mutual Insurance Company of the State of New York, the Maryland Fire Insurance Company, the Western National Bank, the Merchants' National Bank, the Chesapeake Bank of the State of Maryland, and the Eastern Railroad Company of the State of Massachusetts for taxes erroneously paid by them and now on file in his office, and to examine and allow such amounts as he may find said companies and banks have paid as a duplicate tax upon the same identical income or profits, or taxes in excess of the amount legally due, and to transmit his allowances to the proper accounting officers of the Treasury for certification to Congress, in compliance with the second section of the act of Congress approved July 7, 1884.

Mr. PAYNE. I would like to ask the gentleman how much this will amount to.

Mr. GRAFF. I will yield to the gentleman from Massachusetts.

Mr. MOODY of Massachusetts. I can not tell, but it is not a large amount. It is for the return of some illegal taxes which are determined by the Treasury Department to have been illegally collected. This is simply for an accounting and makes no appropriation whatever. I presume it will result in the return of some money from the Treasury, but I can not say how much.

Mr. PAYNE. The Treasury Department has decided that the taxes were illegally collected?

Mr. MOODY of Massachusetts. Oh, yes; there is no question about that.

The bill was laid aside to be reported to the House with a favorable recommendation.

TO REIMBURSE THE CITY OF DENVER.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 3273) to repay to the city of Denver the sum of \$3,200 for amounts of judgments it has been compelled to pay for damages incurred by reason of negligent construction by the United States of sidewalks adjacent to post-office building in that city.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Denver, out of any money not otherwise appropriated, the sum of \$3,200 for and on account of certain judgments which the city of Denver has been compelled to pay for injuries occasioned by negligently constructed sidewalks by the United States adjacent to the post-office building in said city.

With the following amendments:

In lines 5 and 6 strike out "\$3,200" and insert "\$3,174.55."

At the end of the bill insert the following: "said judgments being in favor of Matilda Human for \$1,837.70, and in favor of Bridget Hickley for \$1,286.85."

Amend the title so as to read: "A bill to repay to the city of Denver the sum of \$3,174.55 for amounts of judgments it has been compelled to pay for damages incurred by reason of negligent construction by the United States of sidewalks adjacent to post-office building in that city."

Mr. PAYNE. If I understand this bill, some one has sued the city of Denver and recovered judgment for damages for building a sidewalk claimed to be defective in front of the Government building in Denver. The city of Denver has paid it.

Mr. SHAFROTH. That is the fact. The city of Denver took it to the court of appeals for the State of Colorado and the judgment was affirmed.

Mr. PAYNE. Suppose it had been a sidewalk in front of a private individual's residence?

Mr. SHAFROTH. There would have been a liability. The party would have had to include the owner of the private property with the city of Denver in his suit, and if it had been collected from the city of Denver an execution would afterwards have been issued against the owner of the adjoining lot. And if it failed to get its money from that source, the money would have to come out of the general treasury of the city of Denver. The law there is like the law in every other city—that the property owner is bound to construct the sidewalk; and if the sidewalk is defective so that any person is injured by reason of the defect the property owner is liable over to the city for the amount of damage it is compelled to pay.

The following is the act of the legislature of the State of Colorado upon the subject:

No action can be maintained against the city of Denver for damages to persons or property by reason of any defect in the streets or sidewalks of said city, which defect was caused by or was the result of the negligence of some person other than an employee of the city, unless said person shall be joined with the city in the same action as defendant; and in the event of a judgment against the city in such case the city shall not be required to pay the same until execution shall have been issued against said person and return thereon duly made that after diligent search no property can be found out of which to satisfy the same, and the city shall thereafter have the right to purchase the judgment from the plaintiff by paying to him the amount of the judgment and interest, or, if the parties agree, a less amount and receive from the plaintiff an assignment thereof; and the purchase of the judgment by the city shall not operate as a satisfaction of the judgment against such codefendant of the city, but the city at any time thereafter may have execution against such codefendant for the amount it has paid the plaintiff, together with interest thereon, which, if collected from said codefendant under said execution, shall be paid to the city.

Mr. PAYNE. But the city has a right to see that the sidewalk is properly constructed.

Mr. SHAFROTH. Yes; and in all cases of that kind, if there is a defective sidewalk, it is the duty of the person who constructed it or the owner of the adjacent property to repair it, and if he fails to do it the city can bring him into the police court, and he is liable to fine. But, notwithstanding that, if this were an individual case there would not be the shadow of a doubt that there would be a liability by the city of Denver against the owner of the adjoining property.

Mr. PAYNE. Of course the United States can not be required to construct or repair the sidewalks anywhere.

Mr. SOUTHARD. My understanding of the present case is this: The United States had constructed a sidewalk in the usual way and with the usual material. There was no defect in the sidewalk at all unless in the fact that it was liable to become slippery. During the period of cold weather this sidewalk became icy, and somebody in walking along the sidewalk slipped down.

Mr. SHAFROTH. There was a soft snow, and nearly every person who went upon that sidewalk fell. The papers were full of the matter at the time. The Treasury Department had notice of the matter. The officials of the city of Denver wanted to fix the sidewalk, but could not get the consent of the custodian of the building to do it.

Mr. PAYNE. Fix it how?

Mr. SHAFROTH. By chipping it so as to make it rough.

Mr. SOUTHARD. As I recollect, the conditions were such that any and every sidewalk would have been slippery.

Mr. SHAFROTH. Oh, no; that is not true. That was the only sidewalk in that condition, and its condition was on account of the glazed surface. It was a beautiful sidewalk in dry weather, but it was an exceedingly slippery one when snow fell. Nearly every person who walked upon it at such a time fell. I myself had a fall, but I suffered no injury.

Mr. PAYNE. You have not any claim that you are intending to present hereafter? [Laughter.]

Mr. SHAFROTH. Oh, no.

In this matter the city of Denver put forth all the defenses it was possible to make—contributory negligence and everything of that kind. It fought the case as well as it could. Yet, notwithstanding that, judgment was rendered against it.

Mr. CRUMPACKER. Has the supreme court of your State held on any occasion that there was a liability on the part of the property owner whose duty it was to lay the sidewalk?

Mr. SHAFROTH. Yes, sir.

Mr. CRUMPACKER. In the absence of a statute fixing such liability?

Mr. SHAFROTH. Yes, sir; that has been held in this very case. I was attorney for the city of Denver for a number of years. In the case of The City of Denver against Cecil A. Dean, as the gentleman will find, the city of Denver was sued. At that time the statute did not require that the owner of the property should be included in the same suit. The city was compelled to pay the judgment; and then it sued the other party and recovered judgment.

Mr. CRUMPACKER. I understand the law to be quite general in the absence of a statute fixing this character of liability upon the property owner, that there can be no recovery against him. It is the duty of the municipality to maintain the streets and the sidewalks in a reasonably safe condition for public travel.

Mr. SHAFROTH. The gentleman will find that the charter of the city of Denver, which is a State act, requires the property owner to put down the sidewalk, and requires him to keep it in repair.

Mr. CRUMPACKER. And although the statute requires him to keep it in repair, subject to the usual penalties, the courts have decided time and again that the property owner is not involved in any liability to make reimbursement on account of damages suffered.

Mr. SHAFROTH. The only exception to the rule, so far as I know, is where the sidewalk has been put down by the city itself and the attempt made to charge the expense up against the property owner. If, in that case, an accident happens by reason of the defective construction of the sidewalk, then the city alone is liable. But in every instance where the property owner is required to put it down, and does put it down, and his negligence results in the accident, then there is a liability, and I contend that there is no exception, and that the gentleman can not cite a single authority to the contrary of that general principle.

Mr. CRUMPACKER. I want some time on this bill when the gentleman gets through. This is a very important measure. If the United States Government is to be made responsible for this class of injuries in all the cities throughout the United States, it had better not build sidewalks. It had better leave the whole business to the cities.

Mr. SHAFROTH. The liability is identically the same as that of an individual. Is it possible that the Government, because it is a sovereign power and can not be sued, will endeavor to escape such responsibility?

Mr. CANNON. Will my friend allow me right there?

Mr. SHAFROTH. Yes.

Mr. CANNON. I do not know how it might affect it from the legal standpoint. It is true that the Government was not liable for the construction of this sidewalk.

Mr. SHAFROTH. Of course, you can not compel the United States to do anything.

Mr. CANNON. Oh, no; but the sovereign State of Colorado ceded jurisdiction and freedom from all burdens for that site.

Mr. SHAFROTH. For the site, certainly.

Mr. CANNON. Freedom from all burdens, and that means there is no liability; and the Government does not, in fact, as a rule, construct sidewalks.

Mr. SHAFROTH. That may be. I do not know whether it does or not.

Mr. CANNON. Take it in my own city, for instance. The streets are improved and paid for from the city treasury, upon the ground that the Government took the property free from all burden and free of taxation, and that runs to the city as well as anything else.

Mr. HOPKINS. That is the rule all over Illinois.

Mr. SHAFROTH. No matter what the rule may be in the gentleman's city, if a sidewalk is laid in front of a man's premises

and he does a piece of work that is defective and an injury results from it, he is liable for it, and the Government ought to be liable for it if it has done exactly the same thing.

Mr. CRUMPACKER. I take issue with the gentleman on that question.

Mr. SHAFROTH. I do not believe you can cite a single authority. I have looked up the cases carefully.

Mr. SOUTHARD. I want to say that there was not a word of evidence before the committee to indicate that this was in any sense a defective sidewalk.

Mr. SHAFROTH. Defective in the sense that has been indicated.

Mr. SOUTHARD. The only evidence before the committee worthy of consideration, as I recollect it, was the record in some case where somebody had sued the city of Denver, Colo., and had recovered a judgment because of an injury sustained upon a sidewalk in front of Government property. It seems to me that no case has been made which would indicate that the Government would be in any sense liable, even if it stood in the position of a corporation or an individual.

It seems to me this is a bill which ought not to pass. It did not receive the unanimous report of the committee. No unanimous report was made upon it, although I believe there is no minority report filed in the case. As I understood the rule under which we are acting to-day, only such bills were to be called up as had received the unanimous report of the Committee on Claims. This bill did not. A number of the members of the committee voted against the report of this bill. I do not remember the details at the hearing, but I know that at the time it was heard I was very well satisfied that it was a claim that ought not to have been reported favorably.

Mr. GRAFF. May I interrupt the gentleman? I desire to state that, while I do not want to make any captious opposition, I filed the views of the minority against this bill upon the theory that, while private individuals might be compelled to put down sidewalks, the Government of the United States was not amenable to such liability, and that when the Government of the United States built this sidewalk it simply did so as a free gift for the general benefit of the city of Denver.

Mr. GROSVENOR. Does not another fact intervene, that the Government having built it, it was the duty of the city authorities to take care of it?

Mr. GRAFF. That is true.

Mr. SHAFROTH. No; that is not true, according to the ordinances of that city. Every property owner is bound to keep his own sidewalk in repair.

Mr. SOUTHARD. Another fact is that after it was built the city found a way to roughen up this sidewalk.

Mr. SHAFROTH. Yes; and the Government of the United States would not permit it. Here is the statement which was sent on to the Secretary of the Treasury:

I have to report that the sidewalk surrounding the court-house and post-office at Denver is very dangerous on account of the high polish. During the winter months when there is any snow at all many people receive falls daily, and some have been seriously hurt.

And yet they had to get the consent of the Treasury Department here before they would even allow the city of Denver to chip that sidewalk. They claimed that they had exclusive jurisdiction over it.

Mr. SOUTHARD. Is not the sidewalk, as you describe it around this building, precisely the same kind of a sidewalk that we have around all Government buildings?

Mr. SHAFROTH. Oh, no; there was a higher polish on it, as he says, and that is undoubtedly true, because that was the only sidewalk where there was any amount of falling when the snow fell.

Mr. GRAFF. Let us have a vote.

Mr. SHAFROTH. I am willing.

Mr. CRUMPACKER. I desire to be recognized in opposition to this measure.

Mr. PAYNE. I suggest to the gentleman from Illinois [Mr. GRAFF] that he withdraw the measure.

Mr. SHAFROTH. How long will the gentleman from Indiana take?

Mr. CRUMPACKER. I am going to take time to discuss this measure.

Mr. GRAFF. There are a great many members who propose to vote against it.

Mr. CRUMPACKER. I am afraid there will not be enough.

Mr. GRAFF. Maybe there will not be as many after the gentleman gets through. [Laughter.]

Mr. CRUMPACKER. That may be.

Mr. GRAFF. I do not want to be discourteous to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. If I can get a vote now I am satisfied.

Mr. HOPKINS. The gentleman from Indiana has an hour in his own right.

Mr. GRAFF. I move that the committee do now rise and report the bills which have been acted upon favorably.

Mr. CRUMPACKER. I yield to the gentleman for that purpose.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration certain bills reported from the Committee on Claims and had directed him to report back sundry bills, some with amendments and some without, and to recommend that the same do pass; and also to report back the bills H. R. 155 and H. R. 7830 with the recommendation that they do lie upon the table; also that the committee had had under consideration the bill H. R. 3273, and had come to no resolution thereon.

Mr. GRAFF. I move the previous question upon all these bills, including H. R. 6038 and H. R. 5220, already on the Calendar.

Mr. BROMWELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. BROMWELL. I want to know whether the bill S. 880, which took the place of H. R. 155, already reported to lie upon the table, is in the list of those favorably reported?

The SPEAKER. It is so reported. Does the Chair understand the gentleman from Illinois to include in that request for the previous question the bills that were reported on the last Friday when the committee had the floor?

Mr. GRAFF. Yes; two bills.

Mr. PAYNE. I shall object to that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the previous question be considered as ordered upon the bill reported to-day from the Committee of the Whole and also upon the two bills which remain as unfinished business reported on the previous Friday.

Mr. PAYNE. Mr. Speaker, I must object to it in that form. If the gentleman will include only the bill for the relief of Charles M. Kennerly, the bill fathered by the gentleman from Tennessee, I will not object.

The SPEAKER. The Chair did not understand the gentleman from New York.

Mr. PAYNE. I will not object to it if the gentleman includes only the bill (H. R. 5220) for the relief of Charles M. Kennerly with the bills reported to-day.

Mr. GRAFF. But you do object to the bill H. R. 6038?

Mr. PAYNE. I object to that.

The SPEAKER. The gentleman from New York objects to including the bills reported heretofore, except the bill H. R. 5220.

Mr. GRAFF. I eliminate from my request the bill H. R. 6038.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAFF. In order to avoid any misunderstanding, I understand that, by unanimous consent, we have had the previous question ordered upon all bills with the exception of H. R. 6038, which is a bill for the relief of Joseph Penny and others.

Mr. PAYNE. I think there is another bill on the Calendar.

The SPEAKER. The House will understand that the previous question is ordered on the bills favorably reported to-day, and also one reported on a previous Friday, but not to include House bill 6038 in regard to Joseph Penny and others. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 1357) for the relief of L. O. Maddox and a bill (H. R. 7830) for the relief of Leonard Wilson, with the recommendation that they lie on the table.

The SPEAKER. Without objection, these bills will lie on the table.

There was no objection.

HOUSE BILLS AMENDED AND PASSED.

Bills of the House of the following titles were severally considered, were read twice, the amendments recommended by the Committee of the Whole House were severally considered and agreed to; said bills as amended were severally ordered to be engrossed, were read a third time, and passed:

A bill (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779;

A bill (H. R. 2294) for the relief of J. V. Davis, of Alexandria, Va.;

A bill (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for \$8,000 due him for judicial services;

A bill (H. R. 573) for the relief of Arthur Connell;

A bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout;

A bill (H. R. 6146) for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers;

A bill (H. R. 12860) for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin; and

A bill (H. R. 4853) for the relief of the heirs at law of Edward N. Oldmixon.

HOUSE BILLS PASSED.

Bills of the House of the following titles were severally considered, were read twice, ordered to be engrossed, were read a third time, and passed:

- A bill (H. R. 14028) for the relief of Aquilla J. Dougherty;
- A bill (H. R. 568) for the relief of W. T. Fitzpatrick, Bedford City, Va.;
- A bill (H. R. 3696) for the relief of Mary R. Frost;
- A bill (H. R. 8032) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster;
- A bill (H. R. 6204) for the relief of Olivia M. Clifford;
- A bill (H. R. 11161) to refund excessive postage paid on certain newspapers;
- A bill (H. R. 2659) for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.;
- A bill (H. R. 6591) for the relief of Austin A. Yates;
- A bill (H. R. 8946) to pay to J. P. Ouzts \$209.50 for services as deputy collector internal revenue for district of South Carolina; and
- A bill (H. R. 4980) for the relief of Willis Benefield.

SENATE BILLS PASSED.

Bills of the Senate of the following titles were severally considered, were read three times, and passed:

- S. 1017. An act for the relief of John M. Guyton;
- S. 880. An act for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.;
- S. 3339. An act for the relief of Leonard Wilson;
- S. 76. An act for the relief of the University of Kansas;
- S. 95. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;
- S. 879. An act for the relief of Levi Stoltz;
- S. 3535. An act for the relief of the Brooklyn Ferry Company, of New York;
- S. 726. An act for the relief of Alice Walsh;
- S. 3554. An act for the relief of W. T. Scott and others; and
- S. 227. An act for the relief of the Continental Fire Insurance Company and others.

WILLIAM H. WANAMAKER.

The next business reported from the Committee of the Whole was the bill (H. R. 860) for the relief of William H. Wanamaker.

Mr. THROPP. Mr. Speaker, I ask unanimous consent that Senate bill 2946 be substituted for House bill 860.

The SPEAKER. Are they substantially the same?

Mr. THROPP. Precisely the same.

The SPEAKER. Without objection, the Committee on Claims will be discharged from the consideration of the Senate bill, and the question is on the third reading.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

On motion of Mr. GRAFF, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

BEET SUGAR.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, forwarding the accompanying report upon the beet-sugar industry in the United States during the year 1900, and invite attention to the request of the Secretary that in view of the very great importance of the subject and the desirability of placing the information collected in the hands of interested persons, 20,000 copies be printed for the use of the Department of Agriculture in addition to such number as Congress may deem necessary for the use of Senators, Representatives, and Delegates.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 22, 1901.

CONSULTING TRUSTEE OF REFORM SCHOOL, DISTRICT OF COLUMBIA.

The SPEAKER. The Chair makes the following announcement to the House: To be consulting trustee of the Reform School of the District of Columbia. Mr. JENKINS, of Wisconsin.

There are now remaining four minutes before the next order under this rule. Without objection, the House will proceed to the consideration of the next order.

There was no objection.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills reported from the Committee on Pensions and Invalid Pensions.

The SPEAKER. The gentleman from New Hampshire, in pursuance of the order made yesterday by the House, moves that

the House resolve itself into Committee of the Whole House for the consideration of pension bills and invalid pension bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of certain bills on the Private Calendar. The Clerk will read the first bill.

Mr. SULLOWAY. Mr. Chairman, I have consulted with the chairman of the Committee on Pensions, and under the rule it is in order for us to select. We thought, upon consultation, the best way was to consider in the first instance the bills that had been passed by the Senate.

GEORGE W. BODURTHA.

The first business was the bill (S. 3746) granting an increase of pension to George W. Bodurtha.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Bodurtha, late of Company E, One hundred and fourteenth Regiment New York Vol. unteer Infantry, and Company H, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

SAMUEL Z. MURPHY.

The next business was the bill (S. 2915) granting an increase of pension to Samuel Z. Murphy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Z. Murphy, late of Company D, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES SCOTT.

The next business was the bill (S. 5144) granting an increase of pension to Charles Scott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Scott, late Lieutenant-colonel Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN W. CANADAY.

The next business was the bill (S. 1212) granting an increase of pension to John W. Canaday.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Canaday, late of Company I, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

BERTHA LEAVEY.

The next business was the bill (S. 1722) granting an increase of pension to Bertha Leavey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha Leavey, widow of Morris Leavey, alias Lewis, late of Company D, Eighteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE F. BURRAGE.

The next business was the bill (S. 2037) granting an increase of pension to George F. Burrage.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Burrage, late of the Signal Corps, United States Army, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. GARDNER.

The next business was the bill (S. 2785) granting an increase of pension to William H. Gardner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gardner, late

second lieutenant Company E, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

PETER SHELTON.

The next business was the bill (S. 3648) granting an increase of pension to Peter Shelt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Shelt, late of Company A, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANKLIN KERSTING.

The next business was the bill (S. 2163) granting an increase of pension to Franklin Kersting.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Kersting, late of Company E, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE M. WILSON.

The next business was the bill (S. 2905) granting a pension to George M. Wilson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Wilson, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, and hospital steward, United States Army, and pay him a pension at the rate of \$12 per month.

The bill was ordered so be laid aside to be reported to the House with a favorable recommendation.

ALEXANDER W. BROWNING.

The next business was the bill (S. 1455) granting an increase of pension to Alexander W. Browning.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander W. Browning, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARVIN V. TUFFORD.

The next business was the bill (S. 4728) granting an increase of pension to Marvin V. Tufford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marvin V. Tufford, late of Company M, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

KATE EZEKIEL.

The next business was the bill (S. 1550) granting an increase of pension to Kate Ezekiel.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Ezekiel, widow of David I. Ezekiel, late second lieutenant Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

NANCY J. DUNAWAY.

The next business was the bill (S. 1269) granting an increase of pension to Nancy J. Dunaway.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy J. Dunaway, widow of John H. Dunaway, late of Company D, Forty-eighth Regiment Missouri Enrolled Militia, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

KEZIAH FANSLER.

The next business was the bill (S. 3343) granting an increase of pension to Keziah Fansler.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Keziah Fansler, widow of George W. Fansler, late of Company B, Fourth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA CRENSHAW.

The next business was the bill (S. 5019) granting an increase of pension to Julia Crenshaw.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Crenshaw, widow of Frank F. Crenshaw, late captain of Company A, Twenty-eighth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments reported by the Committee on Pensions were read, as follows:

Strike out "\$50" and insert "\$30" as the amount of the pension; and at the end of the bill add "and \$2 per month additional for each of her minor children until they shall have arrived at the age of 16 years."

Mr. MADDOX. I hope the amendment will not be agreed to. I will ask the Clerk to read the report of this case.

The Clerk proceeded to read the report, but was interrupted by Mr. MADDOX, who said: I will not detain the House by the further reading of the report. I will give a few words of explanation. This bill as it passed the Senate gave Mrs. Crenshaw a pension of \$50 a month. Her husband was a captain, and he received mortal wounds in the Philippine Islands. He enlisted in the Spanish war and did garrison duty in Cuba and other places until his term expired. He was then appointed a captain for service in the Philippines, and there he received the wound from which he died. His widow, as I understand, is a woman about 29 years of age, with four small children.

The Senate has seen fit to vote her a pension of \$50 a month, which the Committee on Pensions of this House proposes to reduce to \$30. I have no fault to find with the committee. I understand their action has been taken under some kind of a rule which they have on this subject. But I appeal to this House to sustain what the Senate has done in the passage of this bill. In the report of the committee will be found a letter from the Adjutant-General of the Army and from the colonel of the regiment in which this gallant young soldier served. No man has been more highly complimented than he for his gallantry as a soldier in the Philippines and elsewhere. He lost his life in that service, and now, in behalf of his widow and children, I ask the House to concur in the bill as passed by the Senate and to reject the amendment reported by the committee.

Mr. LOUDENSLAGER. I do not wish to consume the time of the committee. Allow me to say, however, that there is nothing more extraordinary or meritorious in this case than in a number of others. The amendment recommended by the committee, to pay \$30, is on a line with our action in other cases, that being the maximum amount we allow to widows of captains. I hope the amendment will be adopted.

Mr. DRIGGS. Mr. Chairman, I wish to indorse what the gentleman from Georgia [Mr. MADDOX] stated in regard to this application for pension. I understand that the father of this young man was a soldier in the Confederate army; and now after the lapse of years—after the North and the South had shaken hands and had joined in defending the flag—this young man went out and offered his life as a sacrifice for his country. I trust that the appeal of the gentleman from Georgia will prevail, and that the Senate bill giving this widow \$50 a month will be passed.

The question being taken on agreeing to the amendment of the committee, it was rejected.

The bill was then laid aside to be reported to the House with a favorable recommendation.

JOHN W. PHILLIPS.

The next business was the bill (S. 5409) granting an increase of pension to John W. Phillips.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Phillips, late of Companies K and C, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY C. HOLMES.

The next business was the bill (S. 5675) granting an increase of pension to Mary C. Holmes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Mary C. Holmes, widow of Henry Holmes, late of Companies F, K, and D, Third Regiment United States Reserve Corps Missouri Volunteer Infantry, and second assistant engineer, United States Navy, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES R. COLE.

The next business was the bill (S. 5428) granting an increase of pension to Charles R. Cole.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Cole, late of Company F, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY M. HYDE.

The next business was the bill (S. 5451) granting an increase of pension to Mary M. Hyde.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Hyde, widow of John L. Hyde, late quartermaster-sergeant, Twelfth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARET G. WHITE.

The next business was the bill (S. 648) granting a pension to Margaret G. White.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret G. White, widow of Amos H. White, late colonel Fifth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LOUISE WOLCOTT KNOWLTON BROWNE.

The next business was the bill (S. 5170) granting a pension to Louise Wolcott Knowlton Browne.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise Wolcott Knowlton Browne, widow of William Henry Browne, late colonel Thirty-sixth Regiment New York Volunteer Infantry and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of \$50 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THERON JOHNSON.

The next business was the bill (S. 3580) granting an increase of pension to Theron Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theron Johnson, late paymaster's steward of the U. S. S. *Linden*, at the rate of \$30 per month, on account of total disability for manual labor, in lieu of the pension now received by him.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRIETTA M. LEIPER.

The next business was the bill (S. 4731) granting an increase of pension to Henrietta M. Leiper.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta M. Leiper, widow of Charles L. Leiper, late colonel Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH F. BRIDGES.

The next business was the bill (S. 5074) granting an increase of pension to Sarah F. Bridges.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah F. Bridges, widow of Charles Bridges, late of Company B, Second Regiment Maine Volunteer Infantry, and first lieutenant Company H, Eighteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBERT S. CUMMINGS.

The next business was the bill (S. 413) granting a pension to Albert S. Cummings.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert S. Cummings, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. BALL.

The next business was the bill (S. 5431) granting an increase of pension to William H. Ball.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Ball, late colonel One hundred and twenty-second Regiment Ohio Volunteer Infantry and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MAGGIE ALICE BRADY.

The next business was the bill (S. 5326) granting a pension to Maggie Alice Brady.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie Alice Brady, widow of James D. Brady, late lieutenant-colonel Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY FRYER, NOW GARDNER.

The next business was the bill (S. 5506) granting a pension to Mary Fryer, now Gardner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Fryer, now Gardner, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES W. HARDEN.

The next business was the bill (S. 5560) granting an increase of pension to James W. Harden.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Harden, late of Company C, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY PRISCILLA ALLEN, NOW BARRY.

The next business was the bill (S. 5507) granting a pension to Mary Priscilla Allen, now Barry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Priscilla Allen, now Barry, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES M. MUNN.

The next business was the bill (S. 2738) granting an increase of pension to James M. Munn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Munn, late first lieutenant Company D, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBERT H. FAIRCHILD.

The next business was the bill (S. 5171) granting an increase of pension to Albert H. Fairchild.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Fairchild, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM L. ATEN.

The next business was the bill (S. 2104) granting an increase of pension to William L. Aten.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Aten, late of Company E, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANCES HELEN LEWIS.

The next business was the bill (S. 4237) granting a pension to Frances Helen Lewis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Helen Lewis, widow of John R. Lewis, late colonel, United States Army, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of \$50 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CORINNE R. STRICKLAND.

The next business was the bill (S. 5187) granting a pension to Corinne R. Strickland.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Corinne R. Strickland, widow of Jesse H. Strickland, late colonel Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FIELDING MARSH.

The next business was the bill (S. 1786) granting an increase of pension to Fielding Marsh.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fielding Marsh, late of Company F, One hundred and Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PHILETUS M. AXTELL.

The next business was the bill (S. 5233) granting an increase of pension to Philetus M. Axtell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philetus M. Axtell, late of Company H, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. BELLINGER.

The next business was the bill (S. 4630) granting an increase of pension to James H. Bellinger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Bellinger, late of Company G, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ADOLPHUS RICHARDSON.

The next business was the bill (S. 5559) granting an increase of pension to Adolphus Richardson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus Richardson, late of Company B, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET A. POTTS.

The next business was the bill (S. 5031) granting an increase of pension to Margaret A. Potts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Potts, widow of William J. Potts, late of Company G, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES T. SHAW.

The next business was the bill (S. 3400) granting an increase of pension to Charles T. Shaw.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Shaw, late first lieutenant Company H, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK SIEN.

The next business was the bill (S. 2332) granting a pension to Frederick Sien.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Sien, late of Company B, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY HEGWER.

The next business was the bill (S. 1698) granting an increase of pension to Henry Hegwer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hegwer, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and second lieutenant Company D, Eighteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRIET S. RICHARDS.

The next business was the bill (S. 4531) granting a pension to Harriet S. Richards.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet S. Richards, widow of Channing Richards, late captain Company F, Twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES C. DELANEY.

The next business was the bill (S. 1850) granting an increase of pension to James C. Delaney.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Delaney, late of Company B, Second Regiment United States Infantry, Mexican war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert the word "sixteen."

Mr. GASTON. Mr. Chairman, I trust the House will not agree to this amendment. This is an old soldier, 80 years of age. He served ten years in the Army. He served two years in Florida, and served in the Mexican war. He is now drawing \$12 a month; he is old and poor, and the Senate bill only gives him \$20. I trust the House will stand by the Senate in this instance.

The question was taken on the amendment; and it was rejected. The bill was ordered to be laid aside with a favorable recommendation.

LUCIE M. MABRY.

The next business was the bill (S. 5039) granting an increase of pension to Lucie M. Mabry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucie M. Mabry, widow of Woodford H. Mabry, late colonel First Regiment Texas Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert the word "forty."

Mr. SHEPPARD. Mr. Chairman, I would like to have the attention of the committee for a moment. I hope the committee will vote down this amendment. This bill emanated in the Senate, and this widow was allowed \$50 per month. Colonel Mabry, who was the husband of this widow, was a native of Texas. He was appointed a colonel in the Spanish-American war by Senator CULBERSON, then governor of the State. He was in the midst of

prime young manhood when at the head of a regiment he went to Cuba. There he was taken sick and by exposure he died. His widow has seven children, only one of them able to support himself; and I ask the committee to vote down the amendment and that his widow be allowed to receive the sum of \$50, as passed by the Senate.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. LOUDENSLAGER. Division!

The committee divided, and there were—ayes 19, noes 33.

So the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

CATHERINE L. NIXON.

The next business was the bill (S. 345) granting a pension to Catherine L. Nixon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine L. Nixon, widow of Andrew Nixon, late of Company A, Oregon Mounted Volunteers, Indian war of 1855 and 1856, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JEREMIAH JACKSON.

The next business was the bill (S. 3483) granting an increase of pension to Jeremiah Jackson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Jackson, late of Captain Dickerson's company, North Carolina Volunteers, Cherokee Indian war, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

MRS. NARCISSA G. SHORT.

The next business was the bill (S. 1126) for the relief of Mrs. Narcissa G. Short.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Narcissa G. Short, now of Carroll County, Miss., widow of Edward M. Short, who served as a soldier in the Mexican war in the company of Tennessee Volunteers made up in Fayette County, Tenn., commanded first by Captain Joseph Lenow and subsequently by Captain Lacey, and pay her a pension of \$12 per month.

With the following amendment, which was agreed to.

In line 10 strike out "twelve" and insert "eight."

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIAS M. LYNCH.

The next business was the bill (S. 3482) granting an increase of pension to Elias M. Lynch.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias M. Lynch, late of Captain Dickerson's company, Third Regiment North Carolina Volunteers, Cherokee Indian war, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WARREN DAMON.

The next business was the bill (S. 5325) granting an increase of pension to Warren Damon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren Damon, late of Company A, Second Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

With the following amendment recommended by the committee:

In line 8 strike out "twenty" and insert "twelve."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARIETTA ELIZABETH STANTON.

The next business was the bill (S. 2709) granting a pension to Marietta Elizabeth Stanton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marietta Elizabeth Stanton, widow of Thaddeus H. Stanton, late brigadier-general, United States Army, and pay her a pension at the rate of \$50 per month.

With the following amendment recommended by the committee:

In line 8 strike out "fifty" and insert "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARTIN DISMUKES.

The next business was the bill (S. 5400) granting a pension to Martin Dismukes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Dismukes, late first lieutenant Company M, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

MAMIE CRAIG LAWTON.

The next business was the bill (S. 1936) granting a pension to Mamie Craig Lawton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mamie Craig Lawton, widow of Henry W. Lawton, late lieutenant-colonel, United States Army, and major-general, United States Volunteers, and pay her a pension at the rate of \$100 per month.

With the following amendment recommended by the committee:

In line 9 strike out "one hundred" and insert "fifty."

Mr. BOREING. Mr. Chairman, I desire to amend by striking out the word "fifty" and inserting "one hundred."

The CHAIRMAN. The Chair will state to the gentleman that there is a committee amendment, and the gentleman can accomplish the same object by having the committee vote down the amendment.

Mr. BOREING. Mr. Chairman, I do not wish to take up the time of the committee. The services of General Lawton are too well known to the House and the country to require any explanation at my hands. He devoted his life, his talents, and his services to his country, and last of all he died to maintain the honor and the supremacy of the American Republic. His services were exceptional, and this establishes no precedent that will be in our way.

Mr. BROMWELL. Mr. Chairman, I rise to oppose the amendment of the gentleman from Kentucky. I know it may seem a very ungracious task to oppose any increase in a pension for the widow of General Lawton, but I think that the House ought to be in possession of the facts in regard to this case before they act upon a proposition to increase. The information that came to the Pension Committee was that Mrs. Lawton was now in receipt of an income of not less than \$4,000 a year and perhaps more. A fund was raised in this country amounting to about \$100,000, and she has in addition to that, if I remember, an orange grove in southern California from which she realizes some income, I do not know how much.

General Lawton was undoubtedly a gallant soldier and a man who has made a great record for himself. I shall never stand in the way of giving a liberal pension to the widow of any man when her circumstances are such that she needs it. I shall never vote for giving a great increase over the pension rates fixed by law to the widow of any officer who does not need it. We have enough of the private soldiery of this country who just as faithfully and conscientiously discharge their duty in the ranks as the general in command. They do not get into the newspapers, they are not heralded all over the world as great heroes, and yet they stand in the front ranks and take the assault of the enemy when the general is usually in a place of safety. I know how easy it is to get hysterical on the subject of pensions for the widows of great men.

I want to say to members of this House that the complaint is constantly growing, not among civilians, not among the taxpayers of the country, but among the soldiers themselves, that a favoritism has shown up in our special pension legislation which is unjust to the rank and file as well as to the officers and widows of officers who do not apply for these special pensions.

I have been for years a member of the Pension Committee. I have tried, honestly and conscientiously, as I believe most of the members of that committee have, to do what is fair and right in the case of these special pensions. But I am becoming convinced more and more that the whole subject of special legislation for pensions has become a matter of absolute favoritism, operating to benefit a few and to do injustice to many.

We all know how we get our special pension bills through. We file our bills; we are notified by the committee to select those that we think are the most meritorious. Those bills are referred to the subcommittee—sometimes consisting of a member from our own State, sometimes not. The committee usually consists of one member of the Pension Committee, whether it be the Committee on Invalid Pensions or the Committee on Pensions. The member to whom this bill is referred consults, of course, with the member who has introduced the bill; and then he passes upon it—

sometimes against his own judgment; frequently, I believe, against his own judgment—and the bill is reported to the general committee, where, as a matter of fact, it goes through, frequently in a perfunctory way, and is placed on the Calendar.

Then the consideration and passage of that bill in the House is, as we all know, a matter of machinery, which starts to work with the reading of the bill and proceeds without interruption to its passage. How much consideration do we give to these bills? Two or three bills on an average to each member get through at each session; and these are but a trifling number compared with cases of equal merit, cases of parties who can not reach the ear of the member, or on behalf of whom there is no special appeal to the committee.

This case of the widow of General Lawton was fairly discussed in the committee. We found that she had an ample income to keep her from want. If the day should ever come when, by reason of injudicious investments or by the loss of her money in any other way, she should become the object of charity, or if she should ever reach a point where she can not maintain herself with that dignity to which she has been accustomed, this Congress might justly increase her pension from \$50 to \$100. But when she has an income of \$4,000 a year or more it hardly seems to me that we ought to increase the pension beyond the amount fixed by the rules of the committee, which is already beyond the amount allowed by law.

[Here the hammer fell.]

Mr. TALBERT. Mr. Chairman, I had not expected to say a word this evening on these pensions, and I would not take one laurel from the nobly enshrined brow of General Lawton. I am willing to join in paying worthy tribute to his grand and glorious memory and in doing anything that may commemorate his heroic deeds in time of peace and in time of war, and I would do no injustice to his widow. But, Mr. Chairman, I want to say that I stand here also as the humble representative of the privates in the ranks and of the widows of the private soldiers—men who won laurels as well as the officers who were in command and more so. When you compare the simple, heroic, disinterested patriotism of the private soldier with that of the mere conqueror, the latter sinks into utter insignificance. Their valor eclipses that of the officers.

The widows of the privates who stood in the trenches, in the forefront of the fight, bearing the heat and burden of the day, often hungry and almost naked, and sometimes lousy—these widows deserve as much consideration as the widows of the men who wore the shoulder straps and who in many cases were back in the shade of the trees while these men were in the front doing the fighting. I would not take a single laurel from the brow of any officer, for we need gallant officers, we are proud of them. An army without a commander would be useless; and a commander without an army would be still more useless and helpless. We want both in times of war, and neither should be forgotten afterwards.

This House has heard the statement of the gentleman from Ohio [Mr. BROMWELL] that this lady has already an income of \$4,000 a year. That is more than forty widows of private soldiers will have in forty years, and you gentlemen know it is true. The gentleman from Ohio has also stated—and I have heard other gentlemen say the same thing—that this lady has valuable property in California—two ranches—from which she receives a very large income. In addition to that, the people of this the greatest and grandest country on the face of the earth, in their liberality and their admiration for General Lawton's services, have donated to his widow the sum of \$100,000. Noble deed by a noble people!

Now, I ask in all fairness, in all candor, in all common sense is it right to increase her pension from \$50 to \$100 per month in the face of these facts? I say "No." I am absolutely opposed to such a proposition and will never vote for it, because it would be gross injustice to many others less fortunate.

I am surprised to see my friend from Kentucky—that grand old State that has always done honor to her dead—wanting to increase this pension from \$50 to \$100 because this lady is the widow of a gallant officer, and for no other reason. Of course he died upon the field of battle in defense of his country, but so has many a poor fellow in the ranks. If we would do anything, let us raise the pensions of the widows of the private soldiers from \$12 to \$20, instead of raising the pensions of officers' widows from \$50 to \$100.

I am willing to vote for the \$50. That is \$20 more than the law would give her, and the law itself makes some distinction. A great many of them have to come here to this House when they have no pensionable status for an increase, except being the widow of an officer. I care not what may be thought of me, I will oppose the increase of this pension, because I believe it is wrong. I do not want to say a single unpleasant word about anything or anybody, but I should be recreant to my duty, recreant to my people and to the trust reposed in me, did I sit quietly here and see such an outrage perpetrated upon the old soldiers themselves and their widows and the taxpayers of this country

without entering my protest. I hope that the amendment offered by the gentleman from Kentucky [Mr. BOREING] will be voted down in this committee, and I hope that here and now that this House will set the seal of condemnation upon this rule of extravagant legislation in the interest of officers and their widows as against the private soldier and his widow. [Applause.]

Mr. BOREING. Mr. Chairman, allow me to say one word in view of what has been said on the other side. If the charitable people of this country have seen to it that Mrs. Lawton shall not go to the poorhouse and that her children shall not grow up in poverty and ignorance, that fact does not relieve this great country from its obligations to the man who has led its armies in the civil war, the Indian wars, the Spanish war, and the Philippine war. Now, Mr. Chairman, there is not one acre of free land within the domain of the United States of America that has not been made free by the valor of American soldiers. There is not a free citizen in any one of the great commonwealths of the 45 States that compose the Federal Union and constitute the pillars of the American nation who has not been made free by the shedding of patriotic blood.

Mr. MADDOX. Will the gentleman allow just one suggestion?

Mr. BOREING. Yes.

Mr. MADDOX. Is it not true that General Lawton was killed in front of the line instead of behind it?

Mr. BOREING. He was killed in front of the line, 7,000 miles away from his home and his family, leaving them nothing but a brilliant military record and a mortgage on their home. He deprived them of his presence and the talents that would have accumulated a fortune for them. He did not die for the benefit of a few charitable people who have contributed to this fund, but he died that his country might live; and I regret that the gentleman from Ohio and my distinguished friend from South Carolina should take the view of this matter that they do.

I can not accept flattery for my State for the obligation that this country owes to the distinguished general who led our armies in battle. Had it not been for the warriors of the past we should have no Congress, no Treasury, no committee to hide themselves in a hole in the wall in this Capitol and there determine the amount that shall be given to the soldiers' widows and orphans. I hope this amendment will not prevail, but that the Senate bill will be passed by this House. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is upon the committee amendment.

Mr. TALBERT. Will the chairman please explain the committee amendment? As I understand it, we are to vote upon the committee amendment, which leaves the amount at \$50.

The CHAIRMAN. The gentleman from South Carolina is correct. The question is on the committee amendment, which reduces the amount reported by the Senate from \$100 to \$50, the amount which the committee recommend. The question, therefore, is upon the committee amendment.

The question being taken, upon a division (demanded by Mr. BOREING) there were—ayes 93, noes 18.

Accordingly the amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY A. COLHOUN.

The next business was the bill (S. 3619) granting an increase of pension to Mary A. Colhoun.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Colhoun, widow of Edmund R. Colhoun, late rear-admiral, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8, after the words "rate of," strike out the word "fifty" and insert in lieu thereof the word "forty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY A. O'BRIEN.

The next business was the bill (S. 4734) granting a pension to Mary A. O'Brien.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. O'Brien, widow of Michael O'Brien, late acting assistant surgeon and first lieutenant, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$20 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8, after the words "rate of," strike out the word "twenty" and insert in lieu thereof the word "seventeen."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ROBERT H. JONES.

The next business was the bill (S. 5146) granting an increase of pension to Robert H. Jones.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Jones, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SELAH V. REEVE.

The next business was the bill (S. 5191) granting an increase of pension to Selah V. Reeve.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Selah V. Reeve, late captain Company E, Sixty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES L. SUMMERS.

The next business was the bill (S. 914) granting a pension to Charles L. Summers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Summers, late second lieutenant Company G, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$15 per month, the same to be paid him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM ASHMEAD.

The next business was the bill (S. 2079) granting a pension to William Ashmead.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ashmead, late captain Company I, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$15 per month, the same to be paid him without deduction for any alleged former erroneous payments or overpayments of pension.

The committee amendment, in line 8 striking out "fifteen" and inserting "twelve," was read and agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LORINDA N. SMITH.

The next business was the bill (S. 1365) granting an increase of pension to Lorinda N. Smith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorinda N. Smith, widow of Samuel H. Smith, late of Company E, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY KEENE.

The next business was the bill (S. 3280) granting an increase of pension to Henry Keene.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Keene, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARITY M'KENNEY.

The next business was the bill (S. 5397) granting a pension to Charity McKenney.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charity McKenney, former widow of Daniel M. Rowe, late of Company A, Tenth Regiment Maine Volunteer Infantry, and Company A, Twenty-ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ZADOK S. HOWE.

The next business was the bill (S. 5726) granting an increase of pension to Zadok S. Howe.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zadok S. Howe, late private in Company B, Twenty-fifth Regiment Michigan Infantry Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES H. FORCE.

The next business was the bill (S. 3193) granting an increase of pension to Charles H. Force.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Force, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN JOHNSON.

The next business was the bill (S. 2843) granting an increase of pension to John Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Johnson, late of Company K, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JESSIE A. BRUNER.

The next business was the bill (S. 5119) granting a pension to Jessie A. Bruner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie A. Bruner, widow of James F. Bruner, late assistant surgeon Seventh Missouri Volunteer Cavalry, and pay her a pension at the rate of \$17 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS M. WIMER.

The next business was the bill (S. 5272) granting an increase of pension to Thomas M. Wimer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Wimer, late of Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LIZZIE WATTLES.

The next business was the bill (S. 5363) granting a pension to Lizzie Wattles.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Wattles, widow of Austin B. Wattles, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MINERVA M. HELMER.

The next business was the bill (S. 4960) granting a pension to Minerva M. Helmer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva M. Helmer, widow of Albert M. Helmer, late surgeon Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MORRIS B. KIMBALL.

The next business was the bill (S. 1602) granting an increase of pension to Morris B. Kimball.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris B. Kimball, late of Company C, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ASA W. TAYLOR.

The next business was the bill (S. 4692) granting an increase of pension to Asa W. Taylor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa W. Taylor, late of Company D, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN SCOTT.

The next business was the bill (S. 5204) granting an increase of pension to John Scott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Scott, late of Company G, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

URIAH CLARK.

The next business was the bill (S. 227) granting an increase of pension to Uriah Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Clark, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH BUGHMAN.

The next business was the bill (S. 5172) granting a pension to Elizabeth Bughman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Bughman, widow of Jonas Bughman, late of Company C, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

NORMAN STEWART.

The next business was the bill (S. 4828) granting an increase of pension to Norman Stewart.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norman Stewart, late first lieutenant, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JESSE N. DAWLEY.

The next business was the bill (S. 2153) granting an increase of pension to Jesse N. Dawley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse N. Dawley, late of Company G, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CATHERINE L. TAYLOR.

The next business was the bill (S. 3386) granting a pension to Catherine L. Taylor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine L. Taylor, late nurse, medical department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGINA M. MACK.

The next business was the bill (S. 5622) granting an increase of pension to Georgina M. Mack.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgina M. Mack, widow of Oscar A. Mack, late lieutenant-colonel Twenty-first Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN F. TOWNSEND.

The next business was the bill (S. 5586) granting an increase of pension to John F. Townsend.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Townsend, late first-class fireman, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FIDILLAR WHITE, ALIAS WILLIAM JOHNSON.

The next business was the bill (S. 715) granting a pension to Fidillar White, alias William Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fidillar White, alias William Johnson, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL W. WARREN.

The next business was the bill (S. 5322) granting an increase of pension to Daniel W. Warren.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Warren, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES RYAN.

The next business was the bill (S. 3935) granting an increase of pension to James Ryan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Ryan, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BETTIE LEE WARD.

The next business was the bill (S. 1065) granting an increase of pension to Bettie Lee Ward.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bettie Lee Ward, widow of Edward W. Ward, late captain, Fifth Regiment United States Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the three minor children of said Edward W. Ward until they reach the age of 18 years.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE C. JARVIS.

The next business was the bill (S. 4985) granting an increase of pension to George C. Jarvis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Jarvis, late surgeon of the Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RACHEL J. B. WILLIAMS.

The next business was the bill (S. 5450) granting an increase of pension to Rachel J. B. Williams.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel J. B. Williams, widow of Charles F. Williams, late colonel, United States Marine Corps, and pay her a pension of \$50 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY SMITH.

The next business was the bill (S. 3653) granting an increase of pension to Henry Smith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Smith, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN BLACK.

The next business was the bill (S. 3391) granting a pension to John Black.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Black, late of Company B, Thirty-eighth Regiment Pennsylvania Volunteer Emergency Militia, and pay him a pension at the rate of \$12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES A. MARSH.

The next business was the bill (S. 5050) granting an increase of pension to Charles A. Marsh.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Marsh, late of Company E, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

HIPPOLYTE PERRAULT.

The next business was the bill (S. 2828) granting an increase of pension to Hippolyte Perrault.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hippolyte Perrault, late of Company A, First Regiment New Orleans (La.) Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES DORCEY.

The next business was the bill (S. 4695) granting a pension to James Dorcey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dorcey, late of Company K, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

JANE W. WOOD.

The next business was the bill (S. 4542) granting a pension to Jane W. Wood.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane W. Wood, dependent foster mother of George W. Pratt, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

SAMUEL F. RADFORD.

The next business was the bill (S. 5201) granting a pension to Samuel F. Radford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel F. Radford, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE N. TARBURTON.

The next business was the bill (S. 5007) granting an increase of pension to George N. Tarburton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Tarburton, late of Company E, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDMUND CAGG.

The next business was the bill (S. 5369) granting an increase of pension to Edmund Cagg.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Cagg, late of Company D, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN T. COMEGYS.

The next business was the bill (S. 5006) granting an increase of pension to John T. Comegys.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Comegys, late of Company D, Eighth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN W. EICHELBERGER.

The next business was the bill (S. 4772) granting an increase of pension to John W. Eichelberger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Eichelberger, late of Company E, Fifth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM P. PAYNE.

The next business was the bill (S. 3521) granting a pension to William P. Payne.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Payne, late of Company F, Second Regiment Tennessee Volunteer Cavalry, and Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$20 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

ESTHER ANN GRILLS.

The next business was the bill (S. 4938) granting an increase of pension to Esther Ann Grills.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther Ann Grills, widow of William Grills, late of Company C, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY GUCKES.

The next business was the bill (S. 3030) granting an increase of pension to Henry Guckes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Guckes, late second lieutenant Company A, One hundred and twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

KATE M. SCOTT.

The next business was the bill (S. 5505) granting a pension to Kate M. Scott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate M. Scott, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

STACY H. COGSWELL.

The next business was the bill (S. 4543) granting an increase of pension to Stacy H. Cogswell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stacy H. Cogswell, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. TAYLOR.

The next business was the bill (S. 5405) granting an increase of pension to John H. Taylor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Taylor, late of Company K, Eighth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MERIT C. WELSH.

The next business was the bill (S. 5681) granting an increase of pension to Merit C. Welsh.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merit C. Welsh, late of Company H, Third Regiment Indiana Volunteer Infantry, war with Mexico; captain Company D, Seventh Regiment Indiana Volunteer Infantry; and colonel One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HUBERT BASCOMBE.

The next business was the bill (S. 5868) granting an increase of pension to Hubert Bascombe.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hubert Bascombe, late of Company D, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARTIN RODMAN.

The next business was the bill (S. 5869) granting an increase of pension to Martin Rodman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Rodman, late of Company F, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. STEELE. Mr. Chairman, I want to announce that during the last ten minutes 40 bills have been passed.

EUGENE LEAHY.

Mr. SULLOWAY. I call up the bill (H. R. 11197) granting an increase of pension to Eugene Leahy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Leahy, late of United States Navy, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments reported by the Committee on Invalid Pensions were read, and agreed to, as follows:

In line 6, before the words "United States," insert the word "the."
In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The bill as amended was laid aside to be reported favorably to the House.

GROTIUS N. UDELL.

Mr. SULLOWAY. I call up the bill (H. R. 13329) granting a pension to Grotius N. Udell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States the name of Grotius N. Udell, late a member of Company D, Sixth Iowa Volunteer Infantry, and that he be pensioned at the rate of \$72 per month in lieu of the pension that he is now drawing.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grotius N. Udell, late of Company D, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

Amend the title so as to read "A bill granting an increase of pension to Grotius N. Udell."

Mr. HEPBURN. Mr. Chairman, this bill as introduced proposes to pay this man a pension of \$72 a month. The amendment of the committee proposes to reduce this amount to \$50 a month. I have personal knowledge of this case. It is a case of absolute, total disability. The man has been paralyzed for months. He can not care for himself in the slightest degree. He can not feed himself; he can not move from his bed. He was shot seven times in battle.

Mr. SHAFROTH. Did he formerly live in Denver, Colo.?

Mr. HEPBURN. Yes.

Mr. SHAFROTH. Then allow me to state that in the Fifty-fourth Congress I had charge of a bill for his relief allowing him a pension of \$72 a month. It passed this House and the Senate, and went to the President, but the expiration of the Congress on the 4th of March prevented its return by the President with his approval.

Mr. HEPBURN. I hope that the House will vote down the amendment of the committee.

The question being taken, the amendment was rejected.

The bill was laid aside to be reported favorably to the House.

HIX PATTERSON.

Mr. MIERS of Indiana. I desire to call up a bill for a gentleman who has had no bill of this kind passed during this session. I call up the bill (H. R. 13794) granting a pension to Hix Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hix Patterson, who was a soldier in Company R, Fifth Regiment Tennessee Mounted Infantry Volunteers, and pay him a pension on and after the passage of this act at the rate of \$12 per month.

The amendment reported by the Committee on Invalid Pensions was read, and agreed to, as follows:

In line 6 strike out all after the word "Patterson" and all of lines 7, 8, and 9 and insert in lieu thereof the following: "late of Company K, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$12 per month."

The bill as amended was laid aside to be reported favorably to the House.

PETER M. HILL.

Mr. CROWLEY. Mr. Chairman, on behalf of my colleague [Mr. JETT], who has not had a pension bill passed at this session, I call up the bill (H. R. 4588) granting a pension to Peter M. Hill.

The CHAIRMAN. By direction of the chairman of the Committee on Invalid Pensions, the Chair recognizes the gentleman from Illinois, who calls up a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to place upon the pension roll the name of Peter M. Hill, late lieutenant of Company A, Fifth Ohio Cavalry, and to pay him a pension of \$50 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter M. Hill, late lieutenant and captain Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Peter M. Hill."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS J. KERSTETTER.

Mr. GASTON. Mr. Chairman, I call up the bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania, who calls up a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Thomas J. Kerstetter, of Franklin, Venango County, Pa., late of Companies E and B, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$72 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Kerstetter, late of Companies E and B, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

F. M. THOMPSON.

Mr. CONNER. Mr. Chairman, I call up the bill (H. R. 13186) restoring and granting an increase of pension to F. M. Thompson.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa, who calls up a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the pension of F. M. Thompson, late a private of Company D, Twenty-first Iowa Infantry, be restored to the amount originally allowed him of \$72 per month, and that the Secretary of the Interior be, and is hereby, authorized and directed to place his name on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension of \$72 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Thompson, late of Company D, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Francis M. Thompson."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

KATHERINE J. GILMAN.

Mr. SULLOWAY. Mr. Chairman, I yield to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Chairman, I call up the bill (H. R. 10694) granting an increase of pension to Katherine J. Gilman.

The CHAIRMAN. The gentleman from Illinois calls up a bill which will be reported by the Clerk.

Th bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine J. Gilman, widow of the late Benjamin H. Gilman, captain, Thirteenth United States Infantry, and pay her a pension of \$50 a month in lieu of the pension she is now receiving.

The following amendments, recommended by the Committee on Pensions, were read:

In line 6 change the spelling of Katherine to Katharine.

In line 8 strike out "of fifty" and insert "at the rate of thirty."

In line 9 strike out "the pension" and insert "that."

Amend the title so as to read: "A bill granting an increase of pension to Katharine J. Gilman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EMILY SULLIVAN KNIGHT.

Mr. WEYMOUTH. Mr. Chairman, I call up the bill (H. R. 13725) granting a pension to Emily Sullivan Knight.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts, who calls up a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the statutes and limitations of the pension laws, the name of Emily Sullivan Knight, widow of Oliver M. Knight, late of Company B, Twenty-second United States Infantry, and Company I, First Minnesota Infantry, and pay her a pension of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily S. Knight, widow of Oliver M. Knight, late second Lieutenant Company B, Twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

Amend the title so as to read: "A bill granting a pension to Emily S. Knight."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. BALL. Mr. Chairman, I call up the bill (H. R. 12232) for the relief of Hannah Martha Dusenberry.

Mr. SULLOWAY. Mr. Chairman, so many gentlemen are besieging me with requests for recognition that it will be impossible to accommodate them all, and I think we had better get along in the regular way.

The CHAIRMAN. The Chair asks the chairman of the Committee on Invalid Pensions if he yields to the gentleman from Texas [Mr. BALL].

Mr. SULLOWAY. Yes.

A MEMBER. I demand the regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will report the next bill in order.

SAMUEL A. NEEDHAM.

The next business was the bill (H. R. 12816) granting a pension to Samuel A. Needham.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Needham, late of Company I, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen;" in the same line strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to Samuel A. Needham."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

I. H. DUVAL.

Mr. JAMES R. WILLIAMS. I call for the regular order.

Mr. SULLOWAY. I yield to the request of the gentleman from West Virginia [Mr. DOVENER] for recognition, and that will be the last.

Mr. DOVENER. I call up the bill (H. R. 1769) granting an increase of pension to I. H. Duvall, of Wellsburg, W. Va.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of I. H. Duval, late brigadier-general of United States Army (Volunteers), and pay him a pension of \$100 per month, the same to be in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Isaac H. Duvall, late brigadier-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Isaac H. Duvall."

Mr. BALL. I call for the reading of the report on that bill.

The CHAIRMAN. The gentleman insists upon the reading of the report.

Mr. CLARK. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK. Is it in order to make a motion that each member here present call up one bill this evening, and that I call up the first one because I make the motion? [Laughter.]

The CHAIRMAN. The Chair believes that such a motion is in order.

Mr. CLARK. Then I make that motion.

Several MEMBERS. Regular order!

The CHAIRMAN. The committee will be in order. The gentleman from Missouri will suspend until the Chair states—

Mr. TALBERT. I rise to a point of order. We can not hear a word back here. I ask for order.

The CHAIRMAN. Gentlemen in the aisles will please take their seats and cease conversation.

Mr. JAMES R. WILLIAMS. Let us have the regular order.

The CHAIRMAN. The committee will proceed with no further business until order is restored.

Mr. BALL. Mr. Chairman—

The CHAIRMAN. By direction of the chairman of the Committee on Invalid Pensions, the Chair recognizes the gentleman from Texas [Mr. BALL].

HANNAH MARTHA DUSENBERRY.

Mr. BALL. Mr. Chairman, I call up the bill (H. R. 12232) for the relief of Hannah Martha Dusenberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Hannah Martha Dusenberry, the widow of John E. Dusenberry, a Mexican war veteran, on the pension roll, at \$12 per month. The said Mrs. Hannah Dusenberry is 63 years old.

The following amendments, recommended by the Committee on Pensions, were read:

Change the title so as to read: "A bill granting a pension to Hannah Martha Dusenberry."

In line 4, after the word "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws," and in the same line strike out "Mrs."

In line 6, after the word "veteran," strike out "on the pension roll at twelve," and insert "and pay her a pension at the rate of eight."

Strike out the last sentence in the bill.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. CLARK. I want to make this motion— [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded.

Mr. BROMWELL. Mr. Chairman, I represent—

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire, the chairman of the committee.

Mr. CLARK. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK. I rise for the purpose of making a motion that the roll be called and each member here present have the right to call up one bill, and then we will get through the whole of it and clean it up.

The CHAIRMAN. The Chair believes that motion is in order. Will the gentleman suspend until the Chair can state the motion?

Mr. GROSVENOR. I rise to a point of order. We are working under an order of the House, and the motion of the gentleman is therefore clearly out of order. The chairmen of these committees have the calling up of these bills.

The CHAIRMAN. The point of the gentleman from Ohio is well taken, the Chair believes. The order under which the committee is operating is that the bills shall be called up by the chairmen of the Committee on Pensions and of Invalid Pensions; and the Chair, pursuing that method, has recognized the chairmen and those gentlemen to whom the chairmen have yielded.

Mr. SULLOWAY. I call up the bill H. R. 12816.

Mr. CLARK. I ask unanimous consent—

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the roll be called, and that gentlemen who answer to their names may call up a bill. The Chair is obliged to rule, upon consideration, that as the committee is operating under

a direct rule of the House, that a request for consent would not be in order. [Cries of "Regular order!"] The regular order is demanded. The Chair recognizes the gentleman from New Hampshire.

Mr. SULLOWAY. I call up House bill 12816, Calendar No. 1718, and that is the regular order.

The CHAIRMAN (after a pause). The Chair will state to the gentleman that the bill he asked to have reported has already been passed.

Mr. BROMWELL. Mr. Chairman—

The CHAIRMAN. Under the rule, the Chair now recognizes the gentleman from Ohio, representing the Committee on Pensions.

Mr. BROMWELL. I call up—

Mr. JAMES R. WILLIAMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JAMES R. WILLIAMS. Would it be in order for each member present who has a bill to send it to the Clerk's desk and let it be taken up? [Cries of "Regular order!"]

The CHAIRMAN. The Chair has already stated that the committee is working under a direct, specific rule of the House, which can not be departed from by action of the committee.

Mr. BROMWELL. Mr. Chairman, as acting chairman of the Committee on Pensions, I call up the bill H. R. 9539.

ELLA V. COSTON.

The Clerk read as follows:

A bill (H. R. 9539) granting an increase of pension to Ella V. Coston.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella V. Coston, widow of Henry H. Coston, late captain of Marine Corps, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "of," before the words "Marine Corps," and insert in lieu thereof "United States."

In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN G. BARR.

Mr. SULLOWAY. I call up House bill 7055.

The Clerk read as follows:

A bill (H. R. 7055) granting a pension to John G. Barr.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Barr, late of Company F, Seventy-fourth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of \$24 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES M. NEET.

Mr. SULLOWAY. I now call up House bill 1215, for the relief of Charles M. Neet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles M. Neet, late second lieutenant Company K, Fourteenth Missouri United States Infantry, and that said Charles M. Neet be granted a pension of \$12 per month, subject to the provisions of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Neet, late of Company K, Fourteenth Regiment Missouri Home Guards, and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORNELIA HAYS.

Mr. BROMWELL. Mr. Chairman, I desire to call up, on behalf of the Committee on Pensions, the bill H. R. 13520.

The bill was read, as follows:

A bill (H. R. 13520) granting an increase of pension to Cornelia Hays.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia Hays, widow of William Hays, late brigadier-general, United States Volunteers, and colonel in the United States Army, who served in the Mexican war as well as in the war of the rebellion, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out "who served in the Mexican war as well as in the war of the rebellion."

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman from Ohio [Mr. BROMWELL], as we are operating under this rule, established last night by the House, what is the rule of the chairmen of the respective committees with reference to calling up bills for consideration? I see a large number of gentlemen around the chairman of the Committee on Invalid Pensions importuning to have their bills called up. I would like to know by what rule the chairmen of the respective committees are governed, so that I may be able to have the same opportunity to have my bill called up as other members.

Mr. SULLOWAY. So far as I am concerned, I will say to the gentleman that I propose to call up the bills as they appear on the Calendar.

Mr. ROBINSON of Indiana. That is complimentary. I would like to ask the gentleman from Ohio what rule he will observe. I ask it for the purpose, if it is not satisfactory, that we may go into the House and change the rule.

Mr. PAYNE. There is not time for that.

Mr. ROBINSON of Indiana. Do I understand the gentleman from Ohio declines to make any statement as to his rule?

Mr. BROMWELL. I am frank to say to the gentleman that one or two gentlemen having meritorious bills from our committee have come to me, and as the Committee on Invalid Pensions was getting all the time I thought it but fair that part of the time should be given to the Committee on Pensions, and I called up the bills of gentlemen who came to me.

Mr. ROBINSON of Indiana. That is right.

Mr. BROMWELL. I have not followed any Calendar order. [Cries of "Regular order!"] I have one or two more.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. CLARK. Mr. Chairman, I move that the committee rise and request the House to order us back into Committee of the Whole and have a roll call, and then have each member call up one bill.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that it is within his province to move that the committee rise, but not with the direction.

Mr. CLARK. Then I move that the committee rise, with the understanding that that is the purpose.

The question was taken; and the motion was disagreed to.

MARY L. CRAMER.

The next business was the bill (H. R. 2163) granting a pension to Mary L. Cramer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the name of Mary L. Cramer, widow of Upton F. Cramer, late member of Company D, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, to be placed on the pension roll, subject to the provisions and limitations of the pension laws, and to pay her a pension of \$20 a month.

The following amendments were recommended by the committee:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Cramer, widow of Upton F. Cramer, late of Company D, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary L. Cramer."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with favorable recommendation.

MARY BARRON.

The next business was the bill (H. R. 7072) granting a pension to Mary Barron.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name Mary Barron, widow of Francis Barron, late of Company I, First Regiment Iowa Volunteer Infantry, and pay her a pension of \$12 per month.

The following amendment was recommended by the committee:

Strike out all after the enacting clause and insert as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Barron, widow of Francis Barron, late of the Third Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of \$8 per month, and \$2 per month additional for the surviving minor child of the soldier until such child shall have arrived at the age of 16 years."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

M. V. DOUGLASS.

The next business was the bill (H. R. 7354) granting a pension to M. V. Douglass, of Canonsburg, Washington County, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. V. Douglass, of Canonsburg, Washington County, Pa., a member of Company F, Sixty-seventh Regiment Pennsylvania Volunteers, in the late civil war, from and after the passage of this act, at the rate of \$72 a month.

The following amendments, recommended by the committee, were read:

Strike out all after the enacting clause and insert as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milbre V. Douglass, late of Company F, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Milbre V. Douglass."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH REYNOLDS.

The next business was the bill (H. R. 12732) granting an increase of pension to Elizabeth Reynolds.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Reynolds, widow of Roddie Reynolds, late acting master's mate, United States Navy, and pay her a pension of \$20 per month in lieu of the pension she is now receiving.

With the following committee amendments:

In line 8, after the word "pension," insert the words "at the rate." In the same line strike out the words "the pension" and insert in lieu thereof the word "that."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FLORENCE L. STUART.

The next business was the bill (H. R. 7544) granting an increase of pension to Mrs. Florence E. Stuart.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Florence E. Stuart, widow of Sidney Stuart, late a captain in the United States Army, who was killed by an explosion of gun cotton while in the discharge of his duty as inspector of powder and high explosives at the Du Pont Powder Works while in such service, and that she be paid a pension of \$50 per month in lieu of that which she is now receiving.

The following amendments were recommended by the committee:

In line 6 strike out the words "Mrs." and "E." and insert "L." so that it will read "Florence L. Stuart;" in line 7 strike out "in the" and insert "Ordinance Department;" strike out lines 8, 9, and 10; in line 11 strike out the word "fifty" and insert "at the rate of thirty;" in line 12 strike out "which;" at the end of the bill insert "and \$2 per month additional for each of her minor children until they shall arrive at the age of 16 years."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ARLINE E. McNUTT.

The next business was the bill (H. R. 12747) granting a pension to Arline E. McNutt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arline E. McNutt, widow of James McNutt, late acting assistant surgeon in the United States Army during the war of the rebellion, and pay her a pension at the rate of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "acting," in line 6, and insert the following: "assistant surgeon, United States Army, and pay her a pension at the rate of \$8 per month and \$2 per month additional for the minor child of the officer, such additional pension to cease upon the arrival of the child at the age of sixteen years."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ARMILDA J. LUTTRELL.

The next business was the bill (H. R. 7321) for the relief of Armilda J. Luttrell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Armilda J. Luttrell, widow of Samuel Luttrell, deceased, late teamster in Quartermaster's Department, Donathon's brigade, United States Army; that said Armilda J. Luttrell be granted a pension at the rate of \$12 per month from the approval of this act.

With the following amendments recommended by the committee:

Insert after the words "pension roll" the words "subject to the provisions and limitations of the pension laws;" in line 6 strike out the word "deceased;" in lines 7 and 8 strike out "Donathon's brigade;" also the words "that said Armilda J. Luttrell be granted" and insert the words "war with Mexico, and pay her;" in line 10 strike out the word "twelve" and insert "eight;" and strike out the words "from the approval of this act."

Amend the title so as to read: "A bill granting a pension to Armilda J. Luttrell."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

KATY KURTH.

The next business was the bill (H. R. 7688) granting a pension to Katy Kurth.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katy Kurth, daughter of George Kurth, deceased, late member of Company I, Eighteenth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$12 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of Katy Kurth, the helpless and dependent daughter of George Kurth, late of Company I, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALEXANDER GOSSETT.

The next business was the bill granting a pension to Alexander Gossett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Gossett, alias Gossage, late of Company M, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the Committee do now rise.

Mr. JAMES R. WILLIAMS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. JAMES R. WILLIAMS. The rule under which we are operating provides that we shall proceed until 6 o'clock. It will not take an hour to pass these bills.

Mr. SULLOWAY. We can go back into Committee of the Whole again if we have not used up the time in passing the bills. If the bills do not pass to-day they will not become a law.

The CHAIRMAN. The Chair will state that the point of order is not well taken, as it is a matter for future determination. The committee will determine whether it desires to rise or not.

The question was taken; and there were on a division (demanded by Mr. DRIGGS)—yeas 50, nays 30.

So the committee determined to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON reported that the Committee of the Whole House, pursuant to the special order, had had under consideration sundry bills on the Private Calendar, and had directed him to report the same back to the House with the recommendation that they be passed, respectively, with or without amendment.

PRIVATE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to be engrossed, and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 13329) granting a pension to Grotius N. Udell; and

A bill (H. R. 14015) granting a pension to Alexander Gossett.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 11197) granting an increase of pension to Eugene Leahy;

A bill (H. R. 13794) granting a pension to Hix Patterson;

A bill (H. R. 4588) granting a pension to Peter M. Hill;

A bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter;

A bill (H. R. 13186) restoring and granting an increase of pension to F. M. Thompson (title amended);

A bill (H. R. 10694) granting an increase of pension to Katherine J. Gilman (title amended);

A bill (H. R. 13725) granting a pension to Emily Sullivan Knight (title amended);

A bill (H. R. 12816) granting a pension to Samuel A. Needham (title amended);

A bill (H. R. 1769) granting an increase of pension to I. H. Duval, of Wellsburg, W. Va. (title amended);

A bill (H. R. 12232) for the relief of Hannah Martha Dusenberry (title amended);

A bill (H. R. 9539) granting an increase of pension to Ella V. Coston;

A bill (H. R. 7055) granting a pension to John G. Barr;

A bill (H. R. 1215) for the relief of Charles M. Neet;

A bill (H. R. 13520) granting an increase of pension to Cornelia Hays;

A bill (H. R. 2163) granting a pension to Mary L. Cramer (title amended);

A bill (H. R. 7072) granting a pension to Mary Barron;

A bill (H. R. 7354) granting a pension to M. V. Douglas, of Canonsburg, Washington County, Pa. (title amended);

A bill (H. R. 12732) granting an increase of pension to Elizabeth Reynolds;

A bill (H. R. 7544) granting an increase of pension to Mrs. Florence E. Stuart (title amended);

A bill (H. R. 12747) granting a pension to Arline E. McNutt;

A bill (H. R. 7321) for the relief of Armilda J. Luttrell (title amended); and

A bill (H. R. 7688) granting a pension to Katy Kurth.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, read the third time, and passed:

S. 3746. An act granting an increase of pension to George W. Bodurtha;

S. 2915. An act granting an increase of pension to Samuel Z. Murphy;

S. 5144. An act granting an increase of pension to Charles Scott;

S. 1212. An act granting an increase of pension to John W. Canaday;

S. 1722. An act granting an increase of pension to Bertha Leavey;

S. 2037. An act granting an increase of pension to George F. Burrage;

S. 2785. An act granting an increase of pension to William H. Gardner;

S. 3648. An act granting an increase of pension to Peter Sheit;

S. 2163. An act granting an increase of pension to Franklin Kersting;

S. 2905. An act granting a pension to George M. Wilson;

S. 1455. An act granting an increase of pension to Alexander W. Browning;

S. 4728. An act granting an increase of pension to Marvin V. Tufford;

S. 1550. An act granting an increase of pension to Kate Ezekiel;

S. 1269. An act granting a pension to Nancy J. Dunaway;

S. 3343. An act granting an increase of pension to Keziah Fansler;

S. 5019. An act granting an increase of pension to Julia Crenshaw;

S. 5409. An act granting an increase of pension to John W. Phillips;

S. 5675. An act granting an increase of pension to Mary C. Holmes;

S. 5428. An act granting an increase of pension to Charles R. Cole;

S. 5451. An act granting an increase of pension to Mary M. Hyde;

S. 648. An act granting a pension to Margaret G. White;

S. 5170. An act granting a pension to Louise Wolcott Knowlton Browne;

S. 3580. An act granting an increase of pension to Theron Johnson;

S. 4731. An act granting an increase of pension to Henrietta M. Leiper;

S. 5074. An act granting an increase of pension to Sarah F. Bridges;

S. 413. An act granting a pension to Albert S. Cummings;

S. 5431. An act granting an increase of pension to William H. Ball;

S. 5326. An act granting a pension to Maggie Alice Brady;

S. 5506. An act granting a pension to Mary Fryer, now Gardner;

S. 5560. An act granting an increase of pension to James W. Harden;

S. 5507. An act granting a pension to Mary Priscilla Allen, now Barry;

S. 2738. An act granting an increase of pension to James M. Munn;

S. 5171. An act granting an increase of pension to Albert H. Fairchild;

S. 2104. An act granting an increase of pension to William L. Aten;

S. 4237. An act granting a pension to Frances Helen Lewis;

S. 5187. An act granting a pension to Corinne R. Strickland;

S. 1786. An act granting an increase of pension to Fielding Marsh;

S. 5233. An act granting an increase of pension to Philetus M. Axtell;

S. 4630. An act granting an increase of pension to James H. Bellenger;

S. 5559. An act granting an increase of pension to Adolphus Richardson;

S. 5031. An act granting an increase of pension to Margaret A. Potts;

S. 3400. An act granting an increase of pension to Charles T. Shaw;

S. 2232. An act granting a pension to Frederick Sien;

S. 1698. An act granting an increase of pension to Henry Hegwer;

S. 4531. An act granting a pension to Harriet S. Richard;

S. 1850. An act granting an increase of pension to James C. Delaney;

S. 5039. An act granting an increase of pension to Lucie M. Mabry;

S. 3482. An act granting an increase of pension to Elias M. Lynch;

S. 3483. An act granting an increase of pension to Jeremiah Jackson;

S. 5400. An act granting a pension to Martin Dismukes;

S. 5146. An act granting an increase of pension to Robert H. Jones;

S. 5191. An act granting an increase of pension to Selah V. Reeve;

S. 914. An act granting a pension to Charles L. Summers;

S. 1365. An act granting an increase of pension to Lorinda N. Smith;

S. 3280. An act granting an increase of pension to Henry Keene;

S. 5397. An act granting a pension to Charity McKenney;

S. 5726. An act granting an increase of pension to Zadok S. Howe;

S. 3193. An act granting an increase of pension to Charles H. Force;

S. 2843. An act granting an increase of pension to John Johnson;

S. 5119. An act granting a pension to Jessie A. Bruner;

S. 5272. An act granting an increase of pension to Thomas M. Wimer;

S. 5363. An act granting a pension to Lizzie Wattles;

S. 4960. An act granting a pension to Minerva M. Helmer;

S. 1602. An act granting an increase of pension to Morris B. Kimball;

S. 4692. An act granting an increase of pension to Asa W. Taylor;

S. 5204. An act granting an increase of pension to John Scott;

S. 2227. An act granting an increase of pension to Uriah Clark;

S. 5172. An act granting a pension to Elizabeth Bughman;

S. 4823. An act granting an increase of pension to Norman Stewart;

S. 2153. An act granting an increase of pension to Jesse N. Dawley;

S. 3386. An act granting a pension to Catherine L. Taylor;

S. 5622. An act granting an increase of pension to Georgina M. Mack;

S. 5586. An act granting an increase of pension to John F. Townsend;

S. 715. An act granting a pension to Fidillar White, alias William Johnson;

S. 5322. An act granting an increase of pension to Daniel W. Warren;

S. 3935. An act granting an increase of pension to James Ryan;

S. 1065. An act granting an increase of pension to Bettie Lee Ward;

S. 5450. An act granting an increase of pension to Rachel J. B. Williams;

S. 4985. An act granting an increase of pension to George C. Jarvis;

S. 3653. An act granting an increase of pension to Henry Smith;

S. 5050. An act granting an increase of pension to Charles A. Marsh;

S. 3391. An act granting a pension to John Black;

S. 4695. An act granting a pension to James Dorcey;

S. 2828. An act granting an increase of pension to Hippolyte Perrault;

S. 4542. An act granting a pension to Jane W. Wood;

S. 5007. An act granting an increase of pension to George N. Tarburton;

S. 5201. An act granting a pension to Samuel F. Radford;

S. 5006. An act granting an increase of pension to John T. Comegys;

S. 5369. An act granting an increase of pension to Edmund Cragg;

S. 3521. An act granting a pension to William P. Payne;
 S. 4772. An act granting an increase of pension to John W. Eichelberger;
 S. 4938. An act granting an increase of pension to Esther Ann Grills;
 S. 3030. An act granting an increase of pension to Henry Guckes;
 S. 5505. An act granting a pension to Kate M. Scott;
 S. 4543. An act granting an increase of pension to Stacy H. Cogswell;
 S. 5405. An act granting an increase of pension to John H. Taylor;
 S. 5681. An act granting an increase of pension to Merit C. Welsh;
 S. 5868. An act granting an increase of pension to Hubert Bascombe; and
 S. 5869. An act granting an increase of pension to Martin Rodman;
 Senate bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, and the bills as amended ordered to a third reading, read the third time, and passed:
 S. 1126. An act for the relief of Mrs. Narcissa G. Short;
 S. 5525. An act granting an increase of pension to Warren Damon;
 S. 345. An act granting a pension to Catherine L. Nixon;
 S. 2709. An act granting a pension to Marietta Elizabeth Stanton;
 S. 1936. An act granting a pension to Mamie Craig Lawton;
 S. 3619. An act granting an increase of pension to Mary A. Colhoun;
 S. 4734. An act granting a pension to Mary A. O'Brien; and
 S. 2079. An act granting a pension to William Ashmead.

During the consideration of bills reported from the Committee of the Whole House, Mr. TALBERT was called to the chair as Speaker pro tempore. While he occupied the chair the following proceedings took place:

Mr. LACEY. I rise to a parliamentary inquiry.
 The SPEAKER pro tempore. The gentleman will please state it.
 Mr. LACEY. How many bills not acted on by the Committee of the Whole House remain upon the Private Calendar?
 The SPEAKER pro tempore. About 120.
 Mr. LACEY. Would not this be a good time to finish them?
 The SPEAKER pro tempore. The unfinished bill is first in order.

Mr. GROSVENOR (at a later stage of the proceedings). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. GROSVENOR. I wish to ask, Mr. Speaker, what has become of the three or four bills last before the House?

The SPEAKER pro tempore. They were ordered to a third reading, read the third time, and passed.

Mr. GROSVENOR. I believe that the Chair failed to announce that they had passed. I did not know what had become of them.

The SPEAKER pro tempore. If that is a fact, the gentleman must have been asleep. The Chair is glad to have waked him up. [Laughter.]

When the bills reported from the Committee of the Whole House had been passed, the Speaker resumed the chair. Mr. TALBERT, on resuming his seat, was greeted with loud applause.

ELIJAH BAXTER.

Mr. SULLOWAY. I yield to the gentleman from Pennsylvania [Mr. SHOWALTER].

Mr. SHOWALTER. I desire to call up the bill (H. R. 4132) increasing the pension of Elijah Baxter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Elijah Baxter, late a private of Company H, One hundred and first Pennsylvania Volunteers, and Company M, One hundred and fifty-second Pennsylvania Volunteers, and pay him a pension of \$72 per month from the passage of this act, the same to be in lieu of the pension he is now receiving, his disability being total blindness.

The following amendment, reported from the Committee on Invalid Pensions, was read and agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Baxter, late of Company M, One hundred and fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

An amendment to make the title read "A bill granting an increase of pension to Elijah Baxter" was agreed to, as recommended by the Committee on Invalid Pensions.

JANE HUNTER.

Mr. SULLOWAY. I call up the bill (H. R. 7995) to pension Jane Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Hunter, daughter of Thomas Hunter, late of the One hundred and eleventh New York Volunteers, on the pension roll of the United States, and that there be paid to the said Jane Hunter a pension at the rate of \$12 per month, the same to date from the passage of this act.

The amendment reported from the Committee on Invalid Pensions was read and agreed to, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Hunter, the dependent and helpless daughter of Thomas Hunter, late of Company D, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

An amendment to make the title read "A bill granting a pension to Jane Hunter" was agreed to, as recommended by the Committee on Invalid Pensions.

WILLIAM N. HALL.

Mr. BROMWELL. Mr. Speaker, I call up the bill (H. R. 12386) granting an increase of pension to William N. Hall.

Several members addressed the Chair.

The SPEAKER. Under the order made yesterday, the Chair can not determine recognitions. They must be determined by the chairmen of the two committees, under the order.

Mr. JAMES R. WILLIAMS. Is this by unanimous consent?

The SPEAKER. No; it is under the order. All of the business which was done in Committee of the Whole to-day could have been done in the House.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States the name of William N. Hall, late a private in the Mexican war, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Pensions, were read and agreed to:

In lines 4 and 5 strike out "of the United States" and insert in lieu thereof "subject to the provisions and limitations of the pension laws."

In lines 5 and 6 strike out "a private in the Mexican war" and insert in lieu thereof "quartermaster-sergeant, Fifteenth United States Infantry, war with Mexico."

In line 7 strike out the word "thirty" and substitute therefor the word "twenty," and in the same line strike out the words "the pension" and insert "that."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALFRED H. JONES.

Mr. SULLOWAY. Mr. Speaker, I desire to call up the bill (H. R. 1730) to pension Alfred H. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Jones, Company B, Sixty-third Pennsylvania Volunteers, and pay him a pension of \$50 per month in lieu of the pension he is now receiving under certificate No. 106310.

The following amendment, recommended by the Committee on Invalid Pensions, was read and agreed to:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "Of Alfred H. Jones, late of Company B, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELLEN PRATT.

Mr. BROMWELL. Mr. Speaker, I call up the bill (H. R. 13173) to increase the pension of Ellen Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Pratt, widow of Albert Pratt, late of Company B, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$12 per month in lieu of that she now receives.

The following amendments recommended by the Committee on Invalid Pensions, were read:

In line 7, after the word "Artillery," insert "war with Mexico."

In line 9, after the word "she," insert "is," and in the same line strike out "receives" and insert "receiving."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES W. LITTLE.

Mr. SULLOWAY. Mr. Speaker, I call up the bill (H. R. 3648) to increase the pension of Charles W. Little.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Charles W. Little, late of Company C, Third Vermont Volunteer Infantry, upon the pension roll and pay

him a pension at the rate of \$30 per month in lieu of the pension which he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read and agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Little, late of Company C, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles W. Little."

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. MIERS of Indiana. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. MIERS of Indiana. I rise as a member of the Committee on Invalid Pensions to have a bill put upon its passage.

The SPEAKER. The Chair has no authority to recognize the gentleman for that purpose. The Chair stated a short time ago that these requests, under the order of the House made last night, must come from the chairman of the two committees.

Mr. MIERS of Indiana. This is for a gentleman who has had no bill passed during the entire session.

Mr. LOUD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOUD. Does the Chair hold that the point of order that these bills must first be considered in Committee of the Whole is not a good point?

The SPEAKER. Under the order made yesterday all the work done to-day could have been done in the House.

LEWIS BLACK.

Mr. BROMWELL. Mr. Speaker, I call up the bill (H. R. 364) granting a pension to Lewis Black.

The bill was read; as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Black, late of Company G, Thirty-second Ohio Volunteer Infantry, and pay him a pension at the rate of \$— per month from the passage of this act.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, before the word "Ohio," insert the word "Regiment."

In line 8, before the word "dollars," insert the word "thirty;" in the same line strike out the words "from the passage of this act" and insert in lieu thereof the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lewis Black."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARGARET L. B. PARSONS.

Mr. MIERS of Indiana. Now, Mr. Speaker—

The SPEAKER. Does the gentleman from New Hampshire [Mr. SULLOWAY] yield to the gentleman from Indiana?

Mr. SULLOWAY. I do, for the purpose of allowing him to call up a bill.

Mr. MIERS of Indiana. I call up the bill (H. R. 13998) granting an increase of pension to Margaret L. B. Parsons. I call this up on behalf of the gentleman from Mississippi [Mr. HENRY].

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret L. B. Parsons, widow of Charles C. Parsons, late first lieutenant of the Fourth Regiment United States Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the words "first lieutenant of the" and insert in lieu thereof the word "captain."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SAMUEL C. F. SEABURY.

Mr. BROMWELL. Mr. Speaker, I call up the bill (H. R. 13699) granting an increase of pension to Samuel C. F. Seabury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. F. Seabury, late of Company C, Thirteenth Regiment Massachusetts Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read and agreed to:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EZEKIEL DAWSON.

Mr. SULLOWAY. Mr. Speaker, I desire to call up the bill (H. R. 12507) granting an increase of pension to Ezekiel Dawson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekiel Dawson, late assistant surgeon Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

NELLIE POWELL KOEHLER.

Mr. BROMWELL. Mr. Speaker, I desire to call up the bill (H. R. 10334) granting an increase of pension to Nellie Powell Koehler. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie Powell Koehler, widow of Edgar F. Koehler, late first lieutenant and adjutant of the First Battalion, Ninth United States Infantry, and pay her a pension at the rate of \$30 a month in lieu of the pension which she is now receiving.

The following amendments, recommended by the Committee on Pensions, were read, and agreed to:

Change the claimant's Christian name, where it appears in the title and the body of the bill, to "Nellie T. P."

In line 7 strike out "and adjutant of the First Battalion."

In line 9 strike out "a" and insert "per;" and in the same line strike out "the pension which" and insert in lieu thereof "that."

The bill as amended was ordered to be engrossed and read a third time; it and was accordingly read the third time, and passed.

CALVIN S. JAMES.

Mr. SULLOWAY. Mr. Speaker, I desire to call up the bill H. R. 7688.

The SPEAKER. The Chair is informed by the Clerk that that bill has already passed the House.

Mr. SULLOWAY. Then I will yield to the gentleman from Illinois [Mr. CROWLEY], a member of the committee, to call up a bill.

Mr. CROWLEY. Mr. Speaker, I call up the bill (H. R. 13370) granting a pension to Calvin S. James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed and authorized to place upon the pension roll the name of Calvin S. James, late first lieutenant of Company C, One hundred and thirty-fifth Regiment, also second lieutenant Company I, Fifty-eighth Regiment, Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin S. James, late first lieutenant Company C, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN A. HARDY.

Mr. BROMWELL. Mr. Speaker, I call up the bill (H. R. 9843) granting an increase of pension to John A. Hardy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John A. Hardy, late of Company H, Third Ohio Volunteers, Mexican war, and pay him a pension of \$30 per month in lieu of that which he is now receiving.

The following amendments, recommended by the Committee on Pensions, were read, and agreed to:

In line 4 strike out "increase the pension" and insert in lieu thereof "place on the pension roll, subject to the provisions and limitations of the pension laws, the name."

In line 6, after the word "pension," insert "at the rate;" and in same line strike out "twenty" and insert "twelve."

In line 7 strike out "which."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES HICKEY.

Mr. SULLOWAY. I yield to the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, I call up the bill (H. R. 13568) granting an increase of pension to James Hickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hickey, late a sergeant of Company G, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 6 strike out the words "a sergeant."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that the time under this order may be extended ten minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time be extended ten minutes.

Mr. JAMES R. WILLIAMS. And I suggest that each member present who has not had a bill considered be permitted to call up one bill by unanimous consent.

The SPEAKER. The gentleman from Illinois couples with the request of the gentleman from Ohio that each member present who has not had a bill considered may have the privilege of calling up one bill. The Chair desires to state that is impossible for the Chair to know who has had a bill considered and who has not.

Mr. LOUD. I object to the whole request, Mr. Speaker.

The SPEAKER. The gentleman from California objects.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the several bills were passed to-day was ordered to lie on the table.

MUSCLE SHOALS POWER COMPANY.

The SPEAKER. The Chair lays before the House the bill (S. 5857) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company, the bill being similar to one favorably reported from a committee of the House and imposing no burden upon the Treasury, and being therefore formally in order.

The bill was read, as follows:

Be it enacted, etc., That the time allowed the Muscle Shoals Power Company by section 2 of an act entitled "An act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama," approved March 3, 1899, to commence and complete the work therein authorized to be done, be extended so that unless the work authorized to be done in said act be commenced within two years and completed within four years from the date of this act the privileges granted to said company by said first-mentioned act shall cease and be determined.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the last vote was laid on the table.

HOUSE BILLS ORDERED TO LIE ON THE TABLE.

Mr. SULLOWAY. Mr. Speaker, I have here a list of House bills which have been referred to our committee, which are similar to Senate bills which have been passed by the House. I ask unanimous consent that the committee be discharged from the further consideration of these bills, and that they be ordered to lie on the table.

The SPEAKER. Without objection, the request of the gentleman from New Hampshire will be complied with, which is that the bills (similar ones having come from the Senate and been passed) be laid upon the table, and that the committee be discharged from their further consideration.

There was no objection.

The bills referred to are as follows:

A bill (H. R. 481) granting a pension to Sarah R. Burrell;
 A bill (H. R. 838) to pension Hix Patterson;
 A bill (H. R. 1488) for the relief of Joseph B. Presdee;
 A bill (H. R. 1844) granting a pension to William Allen;
 A bill (H. R. 1857) to grant a pension to William B. Caldwell;
 A bill (H. R. 1917) to pension John W. Phillips;
 A bill (H. R. 1918) granting a pension to Milton Phillips;
 A bill (H. R. 2054) granting a pension to Lydia F. Wiley;
 A bill (H. R. 2475) granting a pension to Hannah R. Johnson;
 A bill (H. R. 2764) granting a pension to Jane E. Auger;
 A bill (H. R. 2997) granting a pension to Elam Kirk;
 A bill (H. R. 3022) granting an increase of pension to Solon Cooper;
 A bill (H. R. 3437) granting a pension to Elam Kirk;
 A bill (H. R. 3460) for the relief of Oliver J. Lyon;
 A bill (H. R. 3509) for the increase of pension of Farnham J. Eastman;
 A bill (H. R. 3564) granting a pension to Nancy Ellen Bessom;
 A bill (H. R. 3637) to increase the pension of Ellen C. Abbott;
 A bill (H. R. 3703) granting a pension to Elizabeth F. Wolfley;
 A bill (H. R. 3777) granting an increase of pension to Barnard A. Dunn, late private in Company A, Second Regiment Iowa Cavalry;
 A bill (H. R. 3870) granting a pension to Ellen G. Hamrick;
 A bill (H. R. 3900) granting a pension to Andrew J. Arnett;
 A bill (H. R. 4211) granting a pension to Rosa L. Couch, of Leavenworth, Kans.;
 A bill (H. R. 4370) to increase the pension of Annie B. Goodrich;
 A bill (H. R. 4391) granting a pension to Alfred Hering, of Leavenworth, Kans.;

A bill (H. R. 4397) granting an increase of pension to Mrs. Ellen Leddy;

A bill (H. R. 4582) granting a pension to Emma T. Martin;

A bill (H. R. 4700) granting an increase of pension to Isaiah Mitchell;

A bill (H. R. 4901) granting an increase of pension to Jane McMahon;

A bill (H. R. 4955) granting an increase of pension to C. W. Fuller;

A bill (H. R. 4966) granting a pension to Edward L. Ruby;

A bill (H. R. 5190) granting an increase of pension to Franklin C. Plantz, of Hay Springs, in the State of Nebraska;

A bill (H. R. 5199) granting an increase of pension to Giles W. Taylor;

A bill (H. R. 5325) for the relief of Ira Doane;

A bill (H. R. 5356) granting a pension to Joshua B. Harris;

A bill (H. R. 5402) granting an increase of pension to Robert Moran;

A bill (H. R. 5550) granting a pension to Fanny Healy;

A bill (H. R. 5802) granting a pension to Eliza D. Pennypacker;

A bill (H. R. 5809) granting a pension to Allen Buckner, of Baldwin, Kans.;

A bill (H. R. 5813) granting an increase of pension to William Taylor, of Mound City, Kans.;

A bill (H. R. 5899) granting a pension to Eleanor R. Sullivan;

A bill (H. R. 5904) for the relief of Mary Jane McLaughlin;

A bill (H. R. 5974) granting an increase of pension to Michael Lochard, of Osborne, Kans.;

A bill (H. R. 6162) granting an increase of pension to Warren L. Eaton;

A bill (H. R. 6176) granting an increase of pension to John W. Blake;

A bill (H. R. 6194) for the relief of Thomas H. Kearney;

A bill (H. R. 6227) granting an increase of pension to James H. Stevens;

A bill (H. R. 6333) granting a pension to Mrs. Mary Keen;

A bill (H. R. 6523) granting a pension to Joseph W. Skelton, of Brokenbow, Nebr.;

A bill (H. R. 6653) to increase the pension of Levi Moser;

A bill (H. R. 6704) granting a pension to Corinne Strickland;

A bill (H. R. 6732) granting a pension to Asa W. Taylor;

A bill (H. R. 6929) granting an increase of pension to James G. Hartzell, of Golden, Colo.;

A bill (H. R. 7008) granting a pension to Louise Donath;

A bill (H. R. 7421) granting a pension to Esther Dyer Hammond;

A bill (H. R. 7555) granting a pension to Mrs. Nellie L. Parsons, of Rockbridge County, Va.;

A bill (H. R. 7708) to restore the pension of Francis H. Staples;

A bill (H. R. 7885) granting an increase of pension to Thomas T. Phillips;

A bill (H. R. 7980) granting a pension to James Winnie;

A bill (H. R. 8156) granting a pension to Mary Sanders;

A bill (H. R. 8274) granting a pension to A. C. Ricketts, of Fairfield, Iowa;

A bill (H. R. 8280) granting a pension to Samuel Dorner;

A bill (H. R. 8381) for the relief of Emma S. Rusling;

A bill (H. R. 8426) granting an increase of pension to Richard L. Tittsworth, Company C, Fifteenth United States Infantry;

A bill (H. R. 8478) granting an increase of pension to Celia A. Jeffers;

A bill (H. R. 8637) granting a pension to Mrs. Helen Harlow;

A bill (H. R. 8721) for the restoration of pension to Amos L. Hood;

A bill (H. R. 8742) granting a pension to Andrew Ferguson;

A bill (H. R. 8880) granting an increase of pension to Henry Guckes;

A bill (H. R. 8890) granting an increase of pension to John T. Hayes;

A bill (H. R. 9161) granting an increase of pension to Mary U. Wilmarth;

A bill (H. R. 9239) granting a pension to Henry K. Davis;

A bill (H. R. 9307) granting a pension to Mary A. Colhoun;

A bill (H. R. 9468) to increase the pension of William J. Wallace, of Winchester, Ohio;

A bill (H. R. 9613) granting an increase of pension to John Johnson;

A bill (H. R. 9620) granting an increase of pension to Dr. Albert S. Cummings;

A bill (H. R. 9758) granting an increase of pension to Washington Baker;

A bill (H. R. 10133) granting a pension to John Carr;

A bill (H. R. 10274) granting an increase of pension to Henry Smith;

A bill (H. R. 10903) granting a pension to James Irvine;

A bill (H. R. 11926) granting an increase of pension to James H. Bellinger;

A bill (H. R. 12282) granting a pension to Frances Helen Lewis;

A bill (H. R. 13291) granting a pension to Minerva McClerland;
 A bill (H. R. 13425) granting a pension to Martha M. Stephens;
 A bill (H. R. 13572) for the relief of Henry Hegwer; and
 A bill (H. R. 13680) granting an increase of pension to Rachel J. B. Williams.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry. I understood that the order made for to-day adjourns the House at 6 o'clock without further order or motion.

The SPEAKER. The gentleman is correct. Under the order the House stands adjourned until 12 o'clock noon to-morrow.

Accordingly (at 6 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending the sale of the old custom-house at Buffalo, N. Y.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIDSON, from the Committee on Railways and Canals, reported a bill of the House (H. R. 14261) to incorporate the Lake Erie and Ohio River Ship Canal Company and defining the powers thereof in lieu of H. R. 1067, accompanied by a report (No. 2946); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 307) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays, reported the same with an amendment, accompanied by a report (No. 2947); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 7178) to remove the charge of desertion from the military record of Robert Downing; and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BAILEY of Texas: A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901—to the Committee on the Judiciary.

By Mr. DAVIDSON, from the Committee on Railways and Canals: A bill (H. R. 14261) to incorporate the Lake Erie and Ohio River Ship Canal Company, and defining the powers thereof—to the House Calendar.

By Mr. SHAFROTH: A bill (H. R. 14262) creating the Colorado Cliff Dwellings National Park—to the Committee on the Public Lands.

By Mr. MANN: A bill (H. R. 14263) to repeal section 5 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committee on Ways and Means.

By Mr. MORGAN: A resolution (H. Res. 430) to pay Kate King certain moneys—to the Committee on Accounts.

By Mr. HULL: A resolution (H. Res. 431) to pay certain House employees from the contingent fund—to the Committee on Accounts.

By Mr. KAHN: A resolution of the legislature of California, relating to the purchase of the Calaveras Sequoia Grove—to the Committee on the Public Lands.

By Mr. McCLEARY: A resolution of the legislature of Minnesota, favoring a national cemetery and park at Fort Ridgely, Minn.—to the Committee on Military Affairs.

By Mr. LONG: A resolution of the legislature of Kansas, favoring passage of S. 1439—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A resolution of the legislature of Oregon, urging passage of H. R. 96—to the Committee on Agriculture.

By Mr. DOVENER: A resolution of the legislature of West

Virginia, relative to the purchase of the Moore House and Temple Farm at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. CURTIS: A resolution of the legislature of Kansas, favoring the passage of S. 1439—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRUNDIDGE: A bill (H. R. 14264) for the relief of John Patterson—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 14265) for the relief of Thomas J. Nichols—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 14266) granting an increase of pension to Mary F. Fuller—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 14267) granting an increase of pension to Leroy Coates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14268) granting an increase of pension to Walter Eckel—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROSIUS: Petition of Women's Foreign Missionary Society of the Presbyterian Church of Pennsylvania, favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. CARMACK: Petition of the heirs of Elizabeth Woolbridge, deceased, late of Shelby County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. EMERSON: Petition of citizens of Fort Covington, N. Y., urging the passage of the Gillett bill, protecting the New Hebrides from intoxicants—to the Committee on the Judiciary.

By Mr. GILLET of Massachusetts: Petition of Woman's Christian Temperance Union of Wyoming, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of the philanthropic committee of Philadelphia Yearly Meeting of Friends, Philadelphia, Pa., for a cessation of the present war in the Philippine Islands—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petitions of citizens of Amesville and Kingston, Ohio, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY of Connecticut: Petition of T. E. Watson and 7 others, favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. KAHN: Petition of chamber of commerce, of San Francisco, Cal., favoring appropriation for restoration of port and harbor of Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. McCLEARY: Resolutions of the chamber of commerce, of Minneapolis, Minn., relative to special clauses in bills of lading—to the Committee on Ways and Means.

Also, resolutions of board of trustees of Windom Institute at Montevideo, Minn., urging that the inheritance tax do not apply to bequests to educational and charitable institutions—to the Committee on Ways and Means.

Also, letter of Hon. Elmer H. Dearth, insurance commissioner of Minnesota, relative to stamping "certificates of authority" issued by insurance commissioners—to the Committee on Ways and Means.

By Mr. PACKER of Pennsylvania: Resolutions adopted at a meeting in the Presbyterian Church of the Covenant, Williamsport, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. RIXEY: Paper to accompany House bill for the relief of Thomas J. Nichols, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Mrs. James C. Day and 82 other citizens of Waterloo, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RUSSELL: Petition of Normal Chapel Sunday School, of Norwich, Conn., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petition of voters of the Fourth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.